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COMMITTEE:	PLANNING COMMITTEE
DATE:	WEDNESDAY, 27 JULY 2022 9.30 AM
VENUE:	FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE

Members		
<u>Conservative</u> Simon Barrett Peter Beer Michael Holt	<u>Independent</u> John Hinton Alastair McCraw Stephen Plumb (Chair)	<u>Green and Labour</u> Alison Owen Leigh Jamieson (Vice-Chair)
<u>Independent Conservatives</u> Mary McLaren Adrian Osborne	<u>Liberal Democrat</u> David Busby	

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

1 SUBSTITUTES AND APOLOGIES

Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.

To receive apologies for absence.

2 DECLARATION OF INTERESTS

To receive declarations of disposable pecuniary interests and other registerable or non-registerable interests by Members.

3 PL/22/3 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 15 JUNE 2022 5 - 12

4 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

5 **SITE INSPECTIONS**

In addition to any site inspections which the Committee may consider to be necessary, the Acting Chief Planning Officer will report on any other applications which require site inspections.

The provisional date for any site inspections is Wednesday 03 August 2022.

6 **PL/22/4 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 13 - 16

An Addendum to Paper PL/22/4 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.

a **DC/20/00330 LAND TO THE EAST OF, SAND HILL, BOXFORD, CO10 5AD** 17 - 52

b **DC/22/00682 PARCELS 12,13 & 15 OF THE LAND OFF SPROUGHTON ROAD, FORMER BRITISH SUGAR FACTORY, SPROUGHTON, IPSWICH, SUFFOLK, IP1 5FF** 53 - 82

Notes:

1. The next meeting is scheduled for Wednesday 10 August 2022 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

[PUBLIC SPEAKING ARRANGEMENTS](#)

Those persons wishing to speak on an application to be decided by Planning Committee must register their interest to speak no later than two clear working days before the Committee meeting, as detailed in the Public Speaking Arrangements (adopted 30 November 2016).

The registered speakers will be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;
- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.
- Public speakers in each capacity will normally be allowed **3 minutes** to speak.

Local Ward Member(s) who is (are) not a member of the Committee are allocated a maximum of **5 minutes** to speak.

Date and Time of next meeting

Please note that the next meeting is scheduled for Wednesday, 10 August 2022 at 9.30 am.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Claire Philpot on: 01473 296376 or Email: Committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

Domestic Arrangements:

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

Agenda Item 3

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held in the Frink Room (Elisabeth) - Endeavour House on Wednesday, 15 June 2022 at 09:30am.

PRESENT:

Councillor: Stephen Plumb (Chair)
Leigh Jamieson (Vice-Chair)

Councillors: Sue Ayres
David Busby
John Hinton
Mary McLaren
Alison Owen

Peter Beer
Siân Dawson
Alastair McCraw
Adrian Osborne

In attendance:

Officers: Chief Planning Officer (PI)
Strategic Projects and Delivery Manager (SS)
Area Planning Manager (MR)
Planning Lawyer (IDP)
Case Officers (JH/JME)
Governance Officer (CP)

1 SUBSTITUTES AND APOLOGIES

- 1.1 Apologies were received from Councillor Simon Barrett and Councillor Michael Holt.
- 1.2 Councillor Sue Ayres substituted for Councillor Barrett.
- 1.3 Councillor Sian Sawson substituted for Councillor Holt.

2 DECLARATION OF INTERESTS

- 2.1 There were no declarations of interest declared.

3 PL/22/1 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 27 APRIL 2022

It was **RESOLVED:**

That the minutes of the meeting held on 27 April 2022 were confirmed and signed as a true record.

4 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

4.1 None received.

5 SITE INSPECTIONS

5.1 The Case Officer presented Members with a request for a site visit regarding application numbers DC/21/05110 and DC/22/01605. The Case Officer provided Members with details of the applications including: the location and layout of the sites, and the reasons the site visits had been requested.

5.2 The Case Officer responded to questions from Members on issues regarding: whether the two sites were related, and access to the sites.

5.3 The Ward Member, Councillor Busby, provided Members with details of the reason for requesting the site visit which included access to the sites, and drainage issues.

5.4 Councillor McLaren proposed that a site visit be undertaken for both applications.

5.5 Councillor Owen seconded the proposal.

By a unanimous vote

It was RESOLVED:

That a site visit be undertaken in respect of application numbers DC/21/05110 and DC/22/01605.

6 PL/22/2 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the items in Paper PL/22/2 and the speakers responded to questions put to them as provided for under those arrangements.

Application No.	Representations from
DC/19/00567	Helen Davies (Sproughton Parish Council) Rhona Jermyn (Objector) Rob Snowling (Applicant) Councillor Zac Norman (Ward Member)
DC/20/05137	Leslie Short (Agent)

It was RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/22/2 be made as follows:-

7 DC/19/00567 LAND NORTH OF, BURSTALL LANE, SPROUGHTON, IPSWICH, IP8 3DE

7.1 Item 6A

Application Proposal	DC/19/00567 Hybrid Application comprising: Outline Planning Application (Access to be considered) for the erection of up to 92 homes and 13 self-build/custom build plots (including provision of up to 37 affordable homes); open space, including a village wood; land for community use/ local shops/ office space; land for a village car park; land for an extension to existing village allotments; land for paddocks; land for relocated and enhanced caravan storage provision; safeguarded land for potential future relief road; new public right of way and associated infrastructure provision. Full planning application for spine road between Loraine Way and Burstall Lane (including accesses onto Burstall Lane and Loraine Way); access for proposed caravan storage area; accesses for self-build plots from Burstall Lane; and associated drainage and highway works (including formation of passing bays on Burstall Lane)
Site Location	SPROUGHTON – Land North of, Burstall Lane, Sproughton, Ipswich, IP8 3DE
Applicant	Pigeon Land 2 Ltd and The Felix Thornley Cobbold Agricultural Trust

7.2 The Case Officer presented the application to the Committee outlining the proposal before Members including: the reason for the application returning to Committee following its resolution to grant by the Committee in October 2022 and the amendments made to the relevant material planning considerations since the previous recommendation to Committee, the location and proposed layout of the site, access to the site, the proposed highway works and improvements, the proposed landscaping plan, potential heritage and sustainability issues, the contents of the tabled papers, and the officer recommendation of approval.

7.3 The Case Officer and the Strategic Projects and Delivery Manager responded to questions from Members on issues including: the access to the site, the location of the zebra crossing, the proposed landscaping plans and the timescale for landscaping to be in place, whether affordable housing for local connections had been considered, whether the site was an allocated site within the Joint Local Plan (JLP) and how the numbers of dwellings being proposed compared to the number allocated in the JLP, the location of the listed buildings, responsibility for green open spaces and the relief road surrounding the site, proposed infrastructure plans, sustainability measures, proposed cycle paths, public transport links, construction traffic, and construction operating hours.

- 7.4 Members considered the representation from Helen Davies who spoke on behalf of Sproughton Parish Council.
- 7.5 The Parish Council representative responded to questions from Members on issues including: the public transport provision in the area.
- 7.6 Members considered the representation from Rhona Jermyn who spoke as an objector.
- 7.7 The objector responded to questions from Members on issues including: whether any accidents had occurred at the crossroads adjacent to the Public House.
- 7.8 Members considered the representation from Rob Snowling who spoke as the applicant.
- 7.9 The applicant, and Simon Butler-Finbow, also representing the applicant, responded to questions from Members on issues including: proposed safety plans for the SUDS area, whether consultation had taken place with the Parish Council and plans for future communication to ensure community involvement, and whether the applicant intended to carry out the building works themselves.
- 7.10 Members considered the representation from Councillor Norman who spoke as the Ward Member.
- 7.11 The Governance Officer read out a statement from Ward Member, Councillor Hardacre, who was unable to attend the meeting.
- 7.12 Members debated the application on issues including: the need for housing in the area, heritage concerns, traffic issues, the size of the proposed development, proposed access plans, and sustainability concerns.
- 7.13 The Case Officer responded to a question from Members regarding the number of recorded traffic incidents.
- 7.14 Councillor Hinton proposed that the application be refused.
- 7.15 Councillor Jamieson seconded the proposal.
- 7.16 Members continued to debate the application on issues including: the potential heritage and landscape harm, and the proposed landscaping plan.
- 7.16 A short break was taken from 11:44am to 11:57am.
- 7.17 The Strategic Projects and Delivery Manager confirmed the reasons for the application to be refused as detailed below:
1. The circumstances of the application and the proposed development are

not exceptional and are without a proven justifiable need, contrary to policies CS2, CS11, and CS15. The quantum of development fails to respect local circumstances and the very clear role that Sproughton village is expected to play in the Council's spatial strategy, contrary to those aforementioned policies and the NPPF.

2. The proposed development is considered likely to lead to a high level of less than substantial harm to the settings of the Grade II listed building of the Grindle House and a high level of less than substantial harm to the setting of the group of historic buildings in the village core (including the Grade II Sproughton Hall, Root Barn and Tithe Barn, Wild Man Public House, Sproughton Mill and Mill House and the Grade II* listed All Saints Church in Sproughton), and is not considered to respect the features that contribute positively to the setting and significance of these listed buildings, conflicting with Babergh Local Plan (2006) policy CN06, not respecting these heritage assets, the heritage characteristics of the village or historic views of heritage assets contrary to Babergh Core Strategy and Policies (2014) policies CS11 and CS15. Further to this, the public benefits of the scheme are not considered to outweigh this harm, making the proposal contrary to the heritage policies of the NPPF.

3. The proposed development would adversely affect the important landscape setting to the village of Sproughton and would be harmful to a designated Special Landscape Area. It is not agreed that such harm could be adequately mitigated on account of the transformational change that is proposed to landscape character. The application is therefore contrary to policies CR04, CS11, and CS15 of the development plan, and the NPPF.

The development conflicts with the development plan when taken as a whole and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan.

In the event that an appeal against the refusal of planning permission is received, delegate authority to the Chief Planning Officer to defend that appeal for the reasons set out, being amended and/or varied as may be required.

7.18 The proposer and seconder agreed to the reasons for refusal.

By a unanimous vote

It was RESOLVED:

That Planning Permission be refused for the following reasons:

1. The circumstances of the application and the proposed development are not exceptional and are without a proven justifiable need, contrary to policies CS2, CS11, and CS15. The quantum of development fails to respect local circumstances and the very clear role that Sproughton village is expected to play in the Council's spatial strategy, contrary to those aforementioned policies and the NPPF.
2. The proposed development is considered likely to lead to a high level of less than substantial harm to the settings of the Grade II listed building of the Grindle House and a high level of less than substantial harm to the setting of the group of historic buildings in the village core (including the Grade II Sproughton Hall, Root Barn and Tithe Barn, Wild Man Public House, Sproughton Mill and Mill House and the Grade II* listed All Saints Church in Sproughton), and is not considered to respect the features that contribute positively to the setting and significance of these listed buildings, conflicting with Babergh Local Plan (2006) policy CN06, not respecting these heritage assets, the heritage characteristics of the village or historic views of heritage assets contrary to Babergh Core Strategy and Policies (2014) policies CS11 and CS15. Further to this, the public benefits of the scheme are not considered to outweigh this harm, making the proposal contrary to the heritage policies of the NPPF.
3. The proposed development would adversely affect the important landscape setting to the village of Sproughton and would be harmful to a designated Special Landscape Area. It is not agreed that such harm could be adequately mitigated on account of the transformational change that is proposed to landscape character. The application is therefore contrary to policies CR04, CS11, and CS15 of the development plan, and the NPPF.

The development conflicts with the development plan when taken as a whole and there are no material considerations which indicate that a decision should be taken other than in accordance with the development plan.

In the event that an appeal against the refusal of planning permission is received, delegate authority to the Chief Planning Officer to defend that appeal for the reasons set out, being amended and/or varied as may be required.

8 DC/20/05137 LAND AT COBBOLDS FARM, IPSWICH ROAD, HADLEIGH, IP7 6BG

8.1 Item 6B

Application Proposal	DC/20/05137 Outline Planning Application. (Access and Landscaping to be considered) Employment land for use as Class E Business buildings up to 1900m ² and Classes B2 and B8 buildings up to 4200m ² Note: Whilst the applicant has described the total level of floorspace being proposed as 6,100sq.m. Members are advised that if they are minded to grant planning permission and they have considered the merits of the proposed development based on a ceiling of 6,100sq.m. then the floorspace ceiling should be conditioned. This will ensure that there is no confusion later and that the implications of additional floorspace and the principle can be properly addressed via a new application.
Site Location	HADLEIGH – Land at Cobbolds Farm, Ipswich Road, Hadleigh, Ipswich, Suffolk, IP7 6BG
Applicant	Mr Philip Munson

- 8.2 The Chief Planning Officer provided Members with an overview of the planning history for the application and drew Members attention to the correspondence received from the applicant since publication of the meeting agenda.
- 8.3 The Case Officer presented the application to the Committee outlining the proposal before Members including: the location and layout of the site, the proposed use of the land, access to the site, the proposed landscaping plans, the previous planning applications at the site, and the Officer recommendation of refusal as detailed in the Committee report.
- 8.4 The Case Officer responded to questions from Members on issues including: the public transport provision in the area, overnight parking at the site, and existing employment land in the area.
- 8.5 Members considered the representation from Leslie Short who spoke as the Agent.
- 8.6 The Agent, the Case Officer and the Strategic Projects and Delivery Manager responded to questions from Members on issues including: the proposed use of the buildings including employment opportunities, any amendments made to the proposal since the application was previously presented to Members, whether alternative employment land in the area had been considered by the Applicant, and proposed sustainability plans.
- 8.7 Members debated the application on issues including: the existing infrastructure, the number of premises in the area for business use, the proposed landscaping plans, ecological issues, the suitability of the location, and sustainability issues.

8.8 The Case Officer responded to further questions from Members on issues including: the surface area material, and the location of the bund around the development site.

8.9 Councillor McCraw proposed that the application be refused.

8.10 Councillor Osborne seconded the proposal.

By a vote of 7 votes 7, and 4 votes against

It was RESOLVED:

That authority be delegated to the Chief Planning Officer to refuse planning permission as recommended and to finalise and clarify the decision notice with such further reasons as he considers appropriate.

The business of the meeting was concluded at 13:15pm.

.....
Chair



PL/22/4

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

27 JULY 2022

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
6A	17-52	DC/20/00330	Land to the East of, Sand Hill, Boxford, CO10 5AD	JW
6B	53-82	DC/22/00682	Parcels 12, 13 & 15 of the Land off Sproughton Road, Former British Sugar Factory, Sproughton, Suffolk, IP1 5FF	EF

Philip Isbell
Chief Planning Officer

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Acting Chief Planning Officer, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE ACTING CHIEF PLANNING OFFICER

The delegated powers under Minute No 48(a) of the Council (dated 19 October 2004) includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

PLANNING POLICIES

The Development Plan comprises saved policies in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:

The Babergh Local Plan: <http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/babergh-local-plan/>

National Planning Policy Framework:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

AWS	Anglian Water Services
CFO	County Fire Officer
LHA	Local Highway Authority
EA	Environment Agency
EH	English Heritage
NE	Natural England
HSE	Health and Safety Executive
MoD	Ministry of Defence
PC	Parish Council
PM	Parish Meeting
SPS	Suffolk Preservation Society
SWT	Suffolk Wildlife Trust
TC	Town Council

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Agenda Item 6a

Committee Report

Item No: 6A

Reference: DC/20/00330

Case Officer: Jasmine Whyard

Ward: Box Vale.

Ward Member/s: Cllr Bryn Hurren.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Outline Planning Application (Access to be considered all other matters reserved) - Erection of up to 64no. dwellings and provision of land for a community building (Use Class D1)

Location

Land to the East of Sand Hill, Boxford, CO10 5AD

Expiry Date: 29/07/2022

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Catesby Development Land Limited

Agent: Neame Sutton Limited

Parish: Boxford

Site Area: 5.71 hectares

Details of Previous Committee / Resolutions and any member site visit:

Officers presented a previous application (DC/19/01873- Erection of 80 dwellings and creation of vehicular access) to Members on 11/09/2019 requesting a Member Site Visit, in conjunction with other schemes within the nearby area, at the express request of Cllr Hurren. Members resolved to undertake site inspection which was carried out on 18/09/2019.

The previous application was then subsequently refused and a decision was issued on 09/10/2019.

This application was previously heard at committee on the 17th June 2020 and was approved, however following Judicial Review that original decision of approval was quashed and therefore ceases to have effect. Further context and history on the Judicial Review is found within section 3 of this report.

Following the quashing of the approval Members subsequently resolved to undertake another Member Site Visit alongside commissioning an independent Highway Report following committee on the 19th May 2021.

An independent Highway Report was issued on the 22nd October 2021 and a formal re-consultation was carried out. Members undertook a committee site visit on the 8th December 2021.

Following the results of the independent Highway Report a further technical note on the highway issues raised was received from the applicant. This technical note was subsequently considered and was formally re-consulted on.

Has a Committee Call In request been received from a Council Member: No

Has the application been subject to Pre-Application Advice: Yes

Pre-application discussions were held between the Applicant and Council officers under reference DC/18/03262. Pre-application response provided on 20/08/2018.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- The proposal exceeds 15 dwellings and therefore must be reported to planning committee in accordance with the Council's Scheme of Delegation.

PART TWO – POLICIES AND CONSULTATION SUMMARY

The Development Plan

The following policies are considered the most important to the determination of this proposal. The policies are all contained within the adopted development plan for Babergh District which in the circumstances of this application is comprised of: Babergh Core Strategy (2014) and the 'saved policies'.

Summary of Policies

CS1 - Applying the presumption in Favour of Sustainable Development in Babergh
CS2 - Settlement Pattern Policy
CS11 - Core and Hinterland Villages
CS15 - Implementing Sustainable Development
CS18- Mix and Types of Dwellings
CS19 - Affordable Homes

CN06 - Listed Buildings - Alteration/Ext/COU
CN08 - Development in/near conservation areas

Supplementary Planning Documents

Rural Development & Core Strategy Policy CS11 SPD (2014)

National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2021 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Other material documents

Suffolk Guidance for Parking (2019)
Suffolk Design Guide (2000)

Neighbourhood Plan Status

This application site is included in an area which has been designated for a Neighbourhood Plan.

The Boxford Neighbourhood Plan is now post-examination (Regulation 18) and minor modifications have been recommended by the inspector. The Neighbourhood Plan subsequently carries significant weight in the determination process.

Summary of Emerging Policies

BOX 1- Housing Strategy for Boxford
BOX 2- Housing Mix
BOX 4- Safety for Vehicles, Pedestrians and Cyclists
BOX 5- Improving access and connectivity
BOX 7- The Design of New Development
BOX 8- Historic Environment and Conservation Area
BOX 10- Boxford Historic Views
BOX 11- The River Box Area of Local Landscape Sensitivity (ALLS)
BOX 12- Important Public Scenic Views
BOX 13- Protection and Enhancement of Natural Features
BOX 15- Localised Flooding

BOX 16- Environmental Design
BOX 18- Supporting New Community Infrastructure

Further discussion of the Neighbourhood Plan is contained later in this report.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Parish Council

- **Boxford Parish Council-** Object on the basis of the following: 1- the applicant has failed to engage with the village, 2- no real public benefits, 3- community facility is not needed and would affect the viability of existing facilities, 4- agricultural vehicles would be restricted as they currently use Ellis Street and alterations would restrict space 5- independent Highways Report shocks lack of local knowledge, 6- new footpath inadequate size, 7- pedestrian safety compromised on Cox Hill, 8- reduction in parking bays for use by residents, 9- harm to conversation area from signage, 10- proposed highways alterations would make Ellis Street akin to Swan Street, 11- impact on Swan Street

National Consultee

- **NHS-** No mitigation required.
- **Natural England-** No objection.
- **Anglian Water-** There is capacity available for the proposed flows arising from the development. Recommends informatives relating to the used water network.
- **Suffolk Police Design Out Crime-** Insufficient information at this stage to comment on the design.

County Council Responses

- **Highways-** No objection subject to conditions and s106 requirements including an amended PROW contribution. The increased traffic flows along Swan Street arising from the development are considered to be minimal. Whilst the outcome of the appeal at Land South of Daking Avenue is acknowledged, this does not alter the Highway Authority's position. Consider the proposed footway improvements to be deliverable. S278 Agreement would be required to carry out works within the highway network.
- **Public Rights of Way-** No objection, recommend informatives to be included on any decision notice.

- **Travel Plan**- No objections, subject to condition.
- **Development Contributions**- No objection, some updates required to obligations previously set out.
- **Floods and Water**- No objection subject to conditions and recommend informative to be put on decision notice.
- **Fire and Rescue**- No objection subject to condition relating to fire hydrants.
- **Archaeology**- No objection subject to conditions relating to written scheme of investigation and post investigation assessments.

Internal Consultee Responses

- **Strategic Housing**- No objection. Changes in the previously agreed tenure of the affordable housing mix is required. Made comments on the indicative open market housing mix.
- **Environmental Health (Sustainability)**- No objection subject to condition.
- **Environmental Health (Land Contamination)**- No objection.
- **Place Services Landscaping**- No objection but make comments relating to elements of the landscaping scheme that should be considered within a reserved matters application.
- **Place Services Ecology**- No objection, subject to conditions relating to biodiversity enhancement, mitigation and protection.
- **Public Realm**- No objection to public open space, subject to play provision being incorporated in the scheme and local management and maintenance being secured.
- **Heritage**- Identify a very low level of less than substantial harm to the Boxford Conservation Area arising from the slight urbanising effect of the proposed highways improvements. The proposed dwellings would result in no harm in principle subject to seeing the detailed design within reserved matters.
- **Infrastructure and Policy**- Do not support the principle but raise no objection to infrastructure subject to securing contribution towards school transport. The development would be CIL liable.
- **Arboricultural Officer**- So long as the footpath is built upon the existing road surface with no excavation to the bank/ verge where the tree along Ellis Street stands, there would be no impact on the tree.

Other Responses

- **Suffolk Preservation Society-** Object. Disagree that the level of harm identified by the Council's Heritage Team is correct, it is felt that there would be a higher level of harm to Boxford's Conservation Area arising from the highway improvements. The Council can demonstrate a 5-year housing land supply.

B: Representations

At the time of writing this report at least 124 letters/ emails/ online comments have been received following the quashing of the original decision. It is the officer opinion that this represents 83 objections. A verbal update shall be provided as necessary.

Views are summarised below:-

- Affects local wildlife
- Application is lacking information
- Building work
- Conflict with District Plan
- Conflict with Neighbourhood Plan
- Design
- Development too high
- Dominating/ overbearing
- Drainage
- Fear of crime
- Harm to listed building
- Health and safety
- Inadequate access
- Inadequate public transport provision
- Increase of anti-social behaviour
- Increase in pollution
- Increase danger of flooding
- Increased traffic/highway issues
- Inappropriate in a Conservation Area
- Landscape impact
- Light pollution
- Loss of open space
- Loss of outlook
- Loss of privacy
- Loss of parking
- More open space needed on development
- Noise
- Out of character with the area
- Over development of site
- Overlooking
- Residential amenity

- Smells
- Scale
- Strain on existing community facilities
- Sustainability
- Trees

For completeness, prior to the original decision being quashed 52 representations, all of which were objections, were received as follows:

- Affects local ecology/wildlife
- Application is lacking information
- Boundary issues
- Conflict with local plan
- Conflict with NPPF
- Design
- Development too high
- Dominating/overbearing
- Drainage
- Fear of crime
- General dislike of proposal
- Harm to listed building
- Health & safety
- Impact on property value
- Inadequate access
- Inadequate parking provision
- Inadequate public transport provisions
- Inappropriate in a conservation area
- Increase danger of flooding
- Increase in anti-social behaviour
- Increase in pollution
- Increased traffic/highways issues
- Landscape impact
- Light pollution
- Loss of light
- Loss of open space
- Loss of outlook
- Loss of parking
- Loss of privacy
- Noise
- Out of character with the area
- Over development of site
- Overlooking
- Residential amenity
- Scale
- Strain on existing community facilities
- Sustainability

- Trees
- Conflict with Neighbourhood Plan

A petition was also previously submitted during the original course of the application with 110 no. signatures. This was formally registered through the Councils Petition scheme as an objection.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/19/01873	Outline Planning Application (some matters reserved) - Erection of up to 80No residential dwellings including vehicular access.	DECISION: REF 09.10.2019
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PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The site extends 5.71 hectares of Grade 3 agricultural land (good to moderate quality). The site is located within the countryside, approximately 155 metres south of the Built-Up Area Boundary (BUAB) for Boxford. There is a Public Right of Way (footpath) that runs centrally between the north and south of the site. The nearest existing footpath to the site which leads into the centre of Boxford starts 47 metres north, which was delivered as part of the Station Field development.
- 1.2. The site is located outside of but adjacent to the Box Valley Special Landscape Area (SLA), which surrounds the site to the south and west. The site is not within the Dedham Vale Area of Outstanding of Natural Beauty but is near to it (approximately 416 metres south east of the site). The Boxford Conservation Area coincides with the BUAB and is also located 155 metres north of the site. There are trees on site protected by any Tree Preservation Order (TPO). The trees adjacent to the proposed highways works are not protected by TPO but fall within the Boxford Conservation Area.
- 1.3. The site falls within Flood Zone 1 (very low fluvial flood risk). The site is also primarily at a very low risk of pluvial flooding, with a sliver of land within the northern area of the site at a low risk of pluvial flooding (1 in 1000 annual probability).

2. The Proposal

- 2.1. Outline Planning Permission is sought for the erection of up to 64 no. dwellings and provision of land for community building, with access to be considered and all other matters reserved.

- 2.2. As part of an indicative site layout incorporates the following elements of the scheme are proposed:
- New footpath connections through the site and connecting to existing footpaths (including upgrades to PROW)
 - Public open space totalling 2.03 hectares
 - Woodland edge walk with new tree planting and Native woodland belt planting totalling 1.14 hectares
 - SuDS
 - Pumping station with landscape screen
 - 35% affordable dwellings
 - Play area
 - New vehicular access to Sand Hill
 - Community building on land totalling 0.08 hectares

3. Judicial Review

- 3.1. The application was previously heard at committee on the 17th June 2020 in which Members voted in favour of the officer's recommendation to grant planning permission and a decision was subsequently issued on the 11th December 2020 following completion of the S106 Agreement.
- 3.2. The completed S106 Agreement was worded in such a way to provide more flexibility in delivering the community building than the committee resolution allowed, on account of the apparently strong contention locally that no building was wanted.
- 3.3. The committee resolution stated that the S106 Agreement secure a 'community building consisting of a unit to be set on an area of no less than 0.08 hectares and that it constitutes a D1 Use Class unit'.
- 3.4. The completed S106 Agreement did not strictly secure a community building and instead secured a 'community building contribution' at a cost of £254,000 to be used for unspecified community purposes at the development site or within its vicinity (e.g. for the construction of a community building or for improvements to the current village hall or similar local facility).
- 3.5. Boxford Parish Council consequently applied for a Judicial Review of the original decision, which was successful on the grounds that the discrepancy between the committee resolution building and the wording in the S106 Agreement was unlawful. The planning permission was subsequently quashed on the 26th March 2021.
- 3.6. Boxford Parish Council applied for Judicial Review on several other grounds as listed below, however these were not grounds that resulted in the quashing of the decision but are included for the purposes of complete transparency and completeness.
- Members erred in law on highways matters bearing upon their decision, and the error has gone uncorrected before the Decision was issued

- Breach of the Coronavirus Regulations
- The Defendant erred in granting planning permission which failed to properly secure the highways improvements
- The Defendant erred in granting planning permission which failed to secure superfast/ultrafast broadband.

4. Redetermination

- 4.1. On the basis of the quashing of the original decision DC/20/00330, the application is before Members for redetermination. It is also noted that given the passage of time since the issuing of the original decision, there have been changes in circumstances, including the submission of the emerging Joint Local Plan to examination (Regulation 22), submission of an independent highways assessment commissioned by Boxford Parish Council, progression of Boxford's Neighbourhood Plan (Regulation 18- post examination) and the commission of an independent highways assessment by the Council. However, the overall scheme proposed has not changed in any way.
- 4.2 For clarity, Boxford's Neighbourhood Plan is now considered to hold significant (but not full) weight in the determination process as it is now post-examination. In view of the position outlined by the Inspector on the 28th April 2022, the Council's emerging Joint Local Plan has now been split. Part 1 will continue to be examined, however Part 2 is subject to further review and will be re-submitted for examination in due course. As such the emerging Joint Local Plan currently attracts limited weight in the determination process.
- 4.3. Members are therefore presented with a refreshed planning balance and an updated overall recommendation of refusal.

5. The Principle of Development

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise. It is important to note that Section 38(6) positions the Development Plan as the starting point for determination, it does not however act as the end point and other material planning considerations must be appropriately considered and weighed in the determination process.
- 5.2. The National Planning Policy Framework (NPPF) 2021 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 5.3. The age of policies themselves does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 219 of the NPPF. But the weight attributed to development plan policies should be proportionate to their

degree of consistency with the NPPF, however. The closer the policy is consistent with the aims of the NPPF, the greater the weight that can be attributed to it.

- 5.4. The principle of development is primarily assessed against Core Strategy policies CS2, CS11 and CS15. It is considered that they are the most important policies for the determination of the application.
- 5.5. The decision not to engage the 'tilted balance' when assessing this application is particularly relevant in light of the case of *Wavendon Properties Limited v SSCLG and Milton Keynes Council [2019] EWHC 1524 (Admin)*. The Wavendon Case confirmed that whilst one of the 'most important' policies in the decision-making process can be considered to be 'out-of-date' this in itself is not enough to engage the 'tilted balance'. As in this instance, the 'most important' policies, when taken as a whole, are considered to be consistent with the NPPF and therefore engaging the 'tilted balance' in this case would be incorrect. The Council can also demonstrate a 6.86 year Housing Land Supply (February 2022) and continues to pass the Housing Delivery Test.
- 5.6. Whilst policy CS2 may be considered to hold significant but not full weight, the overall 'basket of policies' is considered to be up to date and as such, the 'tilted balance' paragraph 11d) is not engaged.

Policy CS2

- 5.7. Policy CS2 designates Boxford as a Core Village. Policy CS2 sets a high threshold for permitting development in countryside locations (outside of settlement boundaries) by laying out an exceptional circumstances test. A review of the settlement boundaries as envisaged at the time of the Core Strategy being adopted has not occurred, nor has there been a specific site allocations document (again as set out within the CS document). The exceptional circumstances approach is therefore overly restrictive and is inconsistent with the flexible approach advocated within the NPPF, when assessed against paragraph 219 of that document. The weight afforded to policy CS2 is thus reduced as a result and, in turn, officers afford less weight to the significance of any conflict with that element of the policy as a result. The NPPF does however contain a similar exceptional circumstances test, set out at paragraph 80, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated.
- 5.8. In policy terms, as the proposed development is for residential development with a community building. Noting that the Council can demonstrate an adequate five-year housing land supply (currently measured at 6.86 years February 2022), the development is not considered to meet an exceptional circumstance as set out under policy CS2. Therefore, the proposed development does not satisfy policy CS2, and is, in strict terms, in conflict with the Development Plan. Adopting a cautious approach, the development is considered to conflict with the Development Plan when viewed as a whole. The first side of the S38(6) balance, so to speak, therefore indicates that planning permission should be withheld.

Policy CS11

- 5.9. As noted in the Core Strategy, delivery of housing to meet the district's needs within the framework of the existing settlement pattern means there is a need for 'urban (edge) extensions' as well as locally appropriate levels of growth in the villages. Policy CS11 responds to this challenge, setting out the 'Strategy for Development in Core and Hinterland Villages'. The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. The site is an edge-of-settlement location, noting its close proximity to the existing settlement boundary, as such the criteria set out at Policy CS11 are engaged. The policy advises that Core Villages will act as a focus for development within their functional cluster.
- 5.10. Policy CS11 states that development for Core villages will be approved where proposals can demonstrate they would not detrimentally impact upon and positively contribute to the following matters to the Council's satisfaction:
- i) the landscape, environmental and heritage characteristics of the village;
 - ii) the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);
 - iii) site location and sequential approach to site selection;
 - iv) locally identified need - housing and employment, and specific local needs such as affordable housing;
 - v) locally identified community needs; and
 - vi) cumulative impact of development in the area in respect of social, physical and environmental impacts.
- 5.11. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' (the 'SPD') was adopted by the Council on 8 August 2014. The SPD was prepared to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory Development Plan, its preparation included a process of community consultation before it was adopted by the Council and means that it is a material consideration when planning applications are determined.
- 5.12. *i) the landscape, environmental and heritage characteristics of the village;*

Policy CS11 envisages that there will be some development in the countryside, and it is axiomatic that the development of a greenfield site will result in an element of adverse impact; the key question is whether the character impact of the development is reasonably contained and can be mitigated.

The Landscape and Visual Appraisal (January 2020) submitted with the application notes that the proposal would result in the loss of agricultural land and a change to public visual receptors including along the public rights of way. The indicative plan and quantum of development proposed demonstrates that an appropriate landscape buffer and rural edge of settlement character could be achieved within reserved matters.

An Archaeological and Heritage Impact Assessment (January 2020) was also submitted and assessed by the Council's Heritage Team and SCC Archaeology.

The site falls outside of but near to the Box Valley SLA, the Boxford Conservation Area and listed buildings. The submitted supporting documents (Landscape and Visual Impact Appraisal and Archaeological and Heritage Impact Assessment) have been assessed by the Councils Landscape and Heritage professionals. In regard to landscaping, it is considered that the main landscape impact would be confined to the site and that there would be no detrimental impact on the Box Valley SLA or Dedham Vale AONB. Whilst a very low level of less than substantial harm to the Boxford Conservation Area has been identified arising from the development of the site and associated highways works, this is outweighed by the public benefits as discussed later in this report. Archaeology could also be dealt with by condition as discussed later in this report.

Further assessment of the landscape, environment and heritage impacts and potential mitigation measures are found later in this report under sections 9 and 11 of this report.

5.13. *ii) The locational context of the village and the proposed development*

This matter requires an assessment of the context in which the application site is located by reference to the village, its facilities and applicable planning designations. Paragraph 10 of the SPD requires development to be in or adjacent to a Core Village or a Hinterland Village, ensuring they are well related to existing settlement, in order to engage with CS11.

It is suggested that the starting point for assessing whether sites are 'well related' is whether or not the site adjoins the Built-Up Area Boundary (BUAB) of the village. Some sites, even though they adjoin a BUAB may not be well related to settlement and a judgement will need to be made taking in account issues such as:

- Whether the proposal would constitute ribbon development on the edge of the village
- How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
- The scale, character and density of the proposal in relation to the existing adjoining development
- Whether the proposal constituted a logical extension of the built-up area of the village
- Whether the proposal is self-contained and has logical natural boundaries.
- The proposal would read as a logical residential extension owing to the settlement pattern within this area of the village. The proposal would adjoin existing residential development northeast (Brook Hall Road) and northwest (Station Field).

Boxford provides a range of services, facilities and amenities, and has transport connections to services and employment hubs found in Hadleigh, Sudbury, Ipswich, and beyond. The site is therefore not considered to be isolated (noting its proximity and connection to settlement) and is instead well related, given the proximity to services and other dwellings.

The indicative masterplan layout shows that the proposal has been sensitively considered and could be accommodated on site in a sympathetic and responsive manner to its environs, whilst ensuring it achieves a rural edge of settlement character. The site is contained to its north and western boundaries, with a landscaping buffer proposed at the open eastern and southern boundaries.

5.14. *iii) Site location and sequential approach to site selection*

The acceptability of the principle of development does not turn on whether or not the site is within the settlement boundary. There are no sites within the Boxford settlement boundary which would enable a development of a scale commensurate with that proposed. There are no other brownfield sites being promoted for development within or around Boxford of this scale. Case law, namely *R (on the application of East Bergholt PC) v Babergh DC [2016] EWHC 3400 (Admin)*, has clarified that in relation to sequential assessment, there is no requirement to consider alternative sites adjoining the settlement boundary, as sequentially they are within the same tier.

The site is within a sequentially preferable location, noting its proximity to Boxford's settlement boundary.

5.15. *iv) locally identified need- housing and employment and specific local needs such as affordable housing*

In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of individual settlement but also the other villages within the associated functional clusters and in some cases adjoining clusters. This is consistent with the requirements of the NPPF (paragraph 79) to ensure that the local plan meets the needs for affordable housing in the housing market area.

Policy CS18 states that the mix, type and size of housing development will be expected to reflect established needs in the Babergh District. An appropriate condition could be imposed if permission were granted to ensure that the open market mix would be a consideration come reserved matters.

Policy CS19 also seeks to secure 35% of dwellings as affordable. As the Council have not set a specific threshold, affordable housing is thus triggered on site of either 0.5 hectares or more or sites of 10 dwellings or more. Paragraph 14 of the SPD states that CS11 proposals should also be accompanied by a statement that analyses the local housing needs of the village (in both open market and affordable housing terms) to demonstrate how they have been taken into account in the proposal.

The Council's 2019 Ipswich Housing Market Area Strategic Housing Market Assessment shows that there is high demand for smaller homes with the biggest increase in demand between 2019-2036 projected to be for 2-bedroom homes followed by 3-bedroom homes.

The application is supported by a local housing needs assessment dated December 2019, which provides evidence of local housing need through secondary data. Just within the part cluster, the shortfall is likely to be at least 90 dwellings to 2031 but could be up to circa 140 dwellings. As the Core Village at the centre of a functional cluster, at the very least Boxford should be meeting most (if not all) of the needs arising within the Hinterland Villages and countryside which do not overlap into other clusters.

Case law has established that in the case of Core Villages, 'local' needs are those arising in the village and its cluster (and perhaps the areas immediately adjoining). Looking at the whole of the Boxford cluster, the shortfall is even greater. At an absolute minimum circa 120-150 dwellings are needed solely to meet demographic needs arising in the cluster, albeit this fails to factor in an uplift for market signals and would not be consistent with the district-wide assessment of need. Accounting for such an uplift would imply a shortfall of circa 230-280 dwellings to 2031 on a 'bottom-up' basis in the whole cluster and circa 260 - 270 on a 'top-down' basis across the whole cluster. Whilst it is the case that a number of permissions have been granted for new homes in Boxford and its functional cluster since the date of the 2019 assessment, that number does not greatly reduce the identified need.

There is therefore evidence of a shortfall in housing provision in the remaining Core Strategy period in the Boxford cluster (whether looking at the part or whole cluster), thus fulfilling the requirement in CS11 that proposals demonstrate evidence of local need. The proposed scheme (which will deliver up to 64 new homes) would help to meet some of this identified shortfall in housing within the Boxford cluster.

Members should note that the report follows the same methodology as that accepted by the Inspector (from which the Secretary of State did not demur) in the Long Melford appeal and, most recently, the Sproughton appeal. The assessment has been judged on its own merits, but its findings are accepted.

Boxford's Neighbourhood Plan is however a new material consideration arising since the application was originally determined. This must therefore be weighed in the overall planning balance. Boxford's Neighbourhood Plan has now been examined and thus holds significant weight in the determination of the application.

The Neighbourhood Plan allocates the development of 13 dwellings, this is to be achieved via extant planning permissions (equating to 8 dwellings) and small-scale emerging allocations (equating to 5 dwellings) that were contained within the emerging Joint Local Plan. However, it should be noted that emerging allocations and the settlement hierarchy remain the subject of outstanding objections and further work is being undertaken by The Council on this matter. The examining Inspector has agreed that this part of the emerging Joint Local Plan can be separated whilst this further work is being undertaken.

Whilst Boxford's Neighbourhood Plan solely allocates 13 dwellings, Boxford's Housing Needs Assessment does not identify an overall housing need and is silent on this matter, it does however identify that the affordable dwellings required alone across the plan period will likely exceed the 13 allocated dwellings [equating to 28 units as set out in the Boxford Neighbourhood Plan Examiner's report]. Moreover, the Neighbourhood Plan

currently gives way to Core Strategy policy CS11 as it is adopted and holds full weight. Policy CS11 discusses residential development for Core Villages as not only for the settlement itself but relating to its wider functional cluster comprising of other settlements.

It is important here to pause and recognise concerns that might be raised in respect of the “identified requirement” advised to the Neighbourhood Plan group and which has formed part of the emerging Joint Local Plan. Such a requirement follows a “top down” approach and is not necessarily a reflection of the needs that are arising from the Core Village and its functional cluster. It is that assessment of local need which forms part of the assessment required under policy CS11.

Policy BOX 1 of Boxford’s Neighbourhood Plan relates specifically to housing growth for Boxford. The policy, as proposed to be modified, restricts development outside of the settlement boundary- as follows:

“New development outside of the defined settlement boundaries will only be supported where it is in accordance with national and development plan policies”.

The examiner’s report on this policy states the following, which is important to set out, but members are directed to refer to it in full as available on the Council’s website¹

“56. I have been referred to three documents assessing housing need. Firstly, the Boxford Housing Needs Assessment (September 2020) prepared by AECOM as a supporting document for this Plan. That document concludes there is an identified need for approximately 28 affordable dwellings during the Plan period.

57. Land to the east of Sand Hill, Boxford Local Housing Needs Assessment Catesby Development Land Ltd (December 2019) prepared by Lichfields to support the promotion of land for development East of Sand Hill, identifies that within the Boxford part cluster, the housing need to 2031 is a minimum of 90 dwellings.

58. Review of Local Housing Needs for Boxford (January 2021) prepared by Boyer to support the promotion of land for development North of Butcher’s Lane identifies a local housing need target of around 115 dwellings to 2031.

59. Paragraph 7.11 in the Plan explains that the housing strategy is for further “specific small-scale growth, either where it would contribute towards a specific identified housing need that is not being met by recent developments or where it would provide another specific community benefit identified in the Plan.”

60. Policy BOX 1 does not reflect the housing strategy outlined in paragraph 7.11. In particular, Policy BOX 1 seeks to accommodate development commensurate to the village of Boxford being a Core Village, where such villages are to act as a focus for development within their functional cluster. In addition, the support for individual dwellings or small groups of dwellings, within the settlement boundaries

¹ <https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Boxford-NP-Exam-Report.pdf>

in Policy BOX 1 does not include a requirement to “contribute towards a specific identified housing need that is not being met by recent developments or where it would provide another specific community benefit identified in the Plan.” Therefore, in the interest of precision and to ensure that there is no internal conflict in the Plan, I recommend that Paragraph 7.11 is deleted.

61. Policy BOX 1 does not set a minimum housing figure for the Parish, although it does refer to the allocation of a site for 7 dwellings at Stone Street Road. Policy BOX 1 seeks to concentrate new housing development, comprising individual dwellings or small groups of dwellings, within the settlement boundaries.

62. Outside the settlement boundaries, Policy BOX 1 restricts new development to specific purposes. To ensure that the Plan contributes towards sustainable development, I recommend modification to this part of Policy BOX 1 to state that housing development outside the settlement boundaries will only be supported where it is in accordance with national and development plan policies. Supporting paragraph 7.18 should be similarly modified.”

...

64. I am required to test the indicative housing figure proposed by BDC. In doing so, I have taken into consideration representations promoting additional land for development on land North of Butcher’s Lane and on land East of Sand Hill. In particular, I am conscious of the planning history of the latter site.

65. BDC is yet to publish a revised Part 2 to the emerging JLP, or to publish any revised supporting documentation. Documents supporting both this Neighbourhood Plan and development proposals conclude there is a need for further housing beyond the indicative figure provided by BDC. Policy BOX 1 does not set a minimum housing figure and is not required to do so. Neither is it required to allocate sites for new housing development, although this Plan has chosen to allocate one site. Seeking to focus new housing development within the settlement boundaries is the correct approach to achieving a sustainable pattern of development in order to contribute towards the environmental objective of sustainable development. In addition, allowing some development outside the settlement boundaries where it accords with national and development plan policies, as I have recommended, would ensure that Policy BOX 1 is a housing strategy for the Parish that contributes towards the achievement of sustainable development.”

Therefore, the accepted modifications to policy BOX 1 would, for the time being at least, require that assessments for housing outside of the settlement boundary to be carried out having regard to those most important policies previously identified i.e., policies CS2, CS11, and CS15. Compliance with those policies, and relevant national policies, would indicate a positive assessment against policy BOX 1; on the other hand, non-compliance with those policies would equate to a departure from the neighbourhood plan.

Whilst Boxford's Neighbourhood Plan and the submission draft of the Joint Local Plan do not directly identify a requirement for an additional 64 dwellings within Boxford, it does not however deny the existence of the need that has otherwise been identified. On the basis of the submitted housing needs assessment and in the absence of evidence to suggest otherwise, on balance it is considered that the proposed development would go some way to meet an identified, proven and evidenced local housing need in relation to private market and affordable housing need in Boxford and its wider functional cluster.

In respect of policies CS18 and CS19 and emerging policy BOX 2, there is nothing before officers to suggest that an appropriate mix of dwellings could not be brought forward within a reserved matters submission. The specific mix of dwellings could be conditioned to be submitted alongside the reserved matters, with the affordable housing mix being secured at this stage via S106 Agreement.

5.16. *v) locally identified community needs*

The SPD identifies that proposals should be accompanied by a statement that analyses the community needs of the Village and how they have been taken into account in the proposal; this is however not an explicit requirement of the policy. Therefore, while in this case the applicant has not submitted a community needs assessment, this is not of itself fatal to the acceptability of this criterion. The proposed development will generate contributions towards community infrastructure (via Community Infrastructure Levy charging regime and s106 contributions outlined in section 13 of this report), to be spent on local services and infrastructure, therefore supporting rural communities, local services and facilities.

In this regard, despite the absence of the community needs assessment, the proposal delivers benefits through CIL that counter-balance any perceived policy tension in the absence of a specific assessment.

This proposal responds directly to a previously identified lack of community benefits under the previous decision (DC/19/01873) through the inclusion of the community building (D1 Use Class) shown on the indicative plan. This would be secured through the s106 agreement. This position is supported by Boxford's emerging Neighbourhood Plan. Policy BOX 18 seeks to protect and permit expansion of existing community infrastructure, whilst identifying general community needs, including, '*provision of flexible and adaptable space(s) for multi-uses e.g.... meeting spaces that would provide a better service to the community*'. Such community building as proposed therefore neither addresses an identified community need nor does it undermine or prejudice any existing community needs, such that the proposed building is neither a positive or negative of the development and is neutral in this regard.

Whilst direct employment use is not proposed with this application, the wider effects and potential spending power from a development of this extent, would yield positive benefits for Boxford and surrounding areas.

The CIL contributions, the delivery of a community building and overall scale of the development would serve to satisfy social and economic benefits for the community, whilst offering a significant degree of public open space on site for future occupants.

5.17. *vi) cumulative impact of development in the area in respect of social, physical and environmental impacts*

At paragraph 13 of the SPD it states, 'cumulative impact should include existing commitments and other proposals in the same village and existing commitments and other proposals in the cluster where they are likely to have a wider impact for example in terms of traffic generation, capacity of schools and health services. The impact on other neighbouring villages and neighbouring local authority areas should also be taken into account'.

The development has been assessed by Suffolk County Council's Development Contributions Manager and as previously stated the scheme would generate pooled CIL funds to mitigate against detrimental impacts and support the delivery of further services and facilities. A range of other contributions towards infrastructure are outlined in section 13 of this report.

The nearest local schools are Boxford CEVC Primary School which the site is within the catchment of. The second nearest is the Thomas Gainsborough School (secondary school and sixth form) which is over 3 miles away. Finally, Hadleigh High School (secondary school) operates on a catchment basis but does not currently include Boxford within that catchment and is over 3 miles away.

A primary school transport contribution was previously required when the application was originally determined. However, SCC Development Contributions no longer consider this a necessary contribution owing to an updated forecast for Boxford CEVCP School dated June 2022. The school has a capacity of 210 places, with 200 places being at 95% capacity, which is the bare minimum for education authorities to meet this statutory duty with operational flexibility, whilst enabling parents to have some choice of schools). The actual pupil roll for 2021/22 published on the forecast is 177. On this basis, pupils forecast to arise from this proposed development should be able to obtain a place at the local school, thus meaning that there is no longer a requirement for a primary school transport contribution.

The proposal has been considered as to the cumulative landscape impact, in conjunction with the existing settlement pattern, and also other permitted schemes. Given the location of the application site, the scheme would not create or contribute to a demonstrable landscape harm in isolation or in cumulation given that the site is set amongst the backdrop of the Boxford BUAB.

Officers acknowledge the infrastructure comments raised by consultees, and this is an important aspect of the scheme, as with any application of this scale and form.

Whilst SCC Highways as the Local Highways Authority (LHA) concluded that the development could be accommodated without adverse strain on the highway network.

Following significant Member and Parish Council concerns The Council commissioned an independent highways assessment (SWECO, October 2021) to independently assess the concerns raised. This report concluded that *'any impact on Swan Street is unacceptable due to the precedent set as part of the appeal decision for this sensitive corridor'*.

The appeal decision that SWECO refer to is application B/17/00091 at Land South of Daking Avenue, Boxford for the erection of 24 dwellings (APP/D3505/W/18/3197391). This position established by the Planning Inspectorate has been reinforced since SWECO issued their report to the Council, in relation to a more recent application DC/20/05283 at Land South of Daking Avenue, Boxford for the erection of 6 dwellings (APP/D3505/W/21/3275718). Whilst this appeal was not dismissed on highways grounds, the Inspector made a clear distinction in the circumstances between the two applications along Daking Avenue, with this lower quantum of development (6 dwellings) being considered to have a neutral impact on Swan Street but acknowledged that the position adopted in the earlier appeal related to a higher quantum of development which would have had a severe impact. The Inspector in this most recent appeal stated, *"Indeed, in relation to the 2018 appeal it was common ground that the development would have resulted in between 7 and 8 additional vehicle movements during morning and evening peak hours. In contrast, in relation to this appeal, the Highway Statement submitted by the appellants as part of the planning application indicates that the proposed development would generate just 2 additional vehicular movements in the peak hours."*

Whilst Daking Avenue is notably closer to Swan Street than the site, noting the location and beneficial and shorter connections that Swan Street provides for vehicles travel towards neighbouring villages and towns (including Bury St Edmunds) it is likely that future occupants on site would utilise Swan Street. This intensification of use is likely to range between 2 and 6 vehicular movements, which both SWECO and the Council contend would result in a significant intensification of use that would lead to a severe impact, by way of increasing congestion and risk of incidents between motorists, pedestrians and cyclists. The impact to both the highway network and its users would be severe and thus contrary to this criterion of CS11 and paragraph 111 of the NPPF.

The highways impacts of the proposal are further discussed within section 7 of this report.

It is considered that the cumulative impact of the development in relation to the highway network cannot be accommodated within the existing highway infrastructure of the village and will exacerbate existing issues along Swan Street, which would ultimately have a severe and detrimental impact within the village.

- 5.18. Policy CS11 also requires development proposals to score positively against policy CS15, which is discussed in the subsequent section of this report.
- 5.19. Whilst the proposal accords with a range of matters specifically outlined in policy CS11, it fails to demonstrate that the development would not result in a detrimental cumulative impact in the area, specifically in respect of the environment, arising from highways issues, contrary to criterion vi of CS11. Therefore, the development is strictly in conflict with policy CS11 and thus the development plan.

5.20. In turn, therefore, this would be in direct conflict with policy BOX1 of the post-examination Neighbourhood Plan.

Policy CS15

- 5.21. Policy CS15 is a long, wide-ranging, criteria-based policy, setting out how the Council seeks to implement sustainable development. It contains 19 criteria, covering matters from landscape impact, job creation, reducing emissions and promoting healthy living and accessibility. Many of the criteria within policy CS15 are covered within the individual sections of this report including, for example, landscape impacts, sustainable drainage, biodiversity and minimising car use. Therefore, it is not necessary to run through each and every one of those criteria in this section of the report. An overarching summary of the key points is presented instead.
- 5.22. Criteria i) and ii), the local character, shape and scale of the area, the locality would not be adversely affected to a degree warranting refusal. The introduction of an advanced planting buffer is a significant landscaping benefit, along with resultant ecological and biodiversity gains. The quantum of development and areas proposed to be built on would retain a rural edge of settlement character with suitable landscape buffers and open space. The indicative layouts demonstrate that the development could be visually well-integrated and appear as a logical extension of the existing settlement.
- 5.23. In relation to criterion vi), the impacts on infrastructure have been considered at length by SCC (Education and Highways), as well as at a District level (Planning Policy) and independently (SWECO). The County Council raise no objection to the proposed works, including highways infrastructure measures. On the contrary, Planning Policy raise concern as do the findings of the SWECO highways report. Whilst it is considered that there are suitable mitigation measures and contributions that can be secured in respect of a large number of matters, those relating to highways impacts along Swan Street cannot be mitigated. Whilst SCC may consider that the highways impacts are acceptable a contrary view has been independently provided by SWECO to suggest otherwise. Officers must assess these two contrasting views as done in section 7 of this report. The proposal is however ultimately considered to conflict with this criterion to a significant degree.
- 5.24. Criterion xi) seeks to sequentially site development in areas which are at the lowest risks of flooding. Unlike a large proportion of Boxford, the site falls wholly within Flood Zone 1 and is therefore at a low risk of fluvial flooding. Whilst the site is primarily at a very low risk of pluvial flooding (less than 1 in 1000-year probability), there is a small area to the north of the site which is at a low risk (1 in 1000 year probability). This low risk area is however proposed to accommodate an attenuation basin and would not have any 'more vulnerable' types of (residential or community building) development sited within it.
- 5.25. Criteria viii), iv), xv) and xvi) have been accorded with as the applicants have submitted a Sustainability & Energy Statement (January 2020) which outlines the social, economic and environmental dimensions of the scheme, with measures that could be secured via condition.

- Development designed in response to local constraints and opportunities considering measures to ensure the character of the development reflects the character of the environment and creates a safe and sustainable community
- Provision of new homes which will support local businesses and services
- Provision of space for the creation of a new community building
- Provision of sustainable travel features including cycle parking and new footpaths to enable easy connection to nearby amenities and employment areas
- Sustainable materials and construction methods to minimise waste
- Use of measures to reduce pollution during construction and operation including measures related to noise pollution, air quality and water pollution
- Development designed to minimise the impact of the development of the site habitats and wildlife including retention of the sites
- Retention of existing hedgerows, as well as a range of mitigation and enhancement measures to improve the sites biodiversity
- Measures to manage waste during both construction and occupation to reduce waste and maximise recycling.
- The proposed dwellings will be constructed as a minimum to meet the requirements of Part L of the Building Regulations, which requires a high level of energy efficiency (criterion xv of CS15).
- Development of new homes in Flood Zone 1 and inclusion of a surface water management system including SUDs to manage the 1 in 100 annual probability plus 40% climate change rainfall event.

These measures are welcomed and supported by the Council's Sustainability Officer.

- 5.26. Criterion xviii) seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well connected with the surrounding settlement via the local highway and bus network, with pedestrian linkage to the centre of Boxford through the proposed links along Sand Hill and works on Ellis Street. Notwithstanding the highways impacts that will be discussed later in this report, it is wholly possible that residents could utilise active and sustainable means of transport to access services, facilities, amenities and employment by way of the site's proximity to Boxford.

Summary

- 5.27. The scheme offers some public benefits through the erection of a community building and the delivery of 35% affordable housing provision (in accordance with Core Strategy policies CS11 and CS19), meeting a proven shortfall in local housing within the functional Boxford Cluster (comprised of Boxford and surrounding villages as defined under the CS) in accordance with policy CS11.
- 5.28. A material change in circumstances since the original decision was made includes the progression of the Boxford's Neighbourhood Plan and The Council's emerging Joint Local Plan. Having regard to NPPF paragraphs 48 and 49, the outstanding concerns with the Council's proposed spatial strategy within the emerging Joint Local Plan, mean that the Plan currently has limited weight. The emerging Neighbourhood Plan holds significant weight owing to its more advanced preparation stage as a post-examination document.

Policy BOX 1 is of material importance in the determination process, however it is being modified in accordance with the examiner's report to ensure that is more flexible in response to proposals for new housing outside the settlement boundary where such proposals are to be considered having regard to other development plan policies, and national planning policy. Therefore, whilst the Neighbourhood Plan does not allocate the site, include it within a settlement boundary or explicitly identify a local housing need for 64 dwellings, the plan does not preclude such growth, where it might be consistent with policies CS2, CS11 and CS15 and the NPPF.

- 5.29. Members are reminded that the current development plan and its spatial strategy have repeatedly been found sound when tested at appeal, including the recovered appeal at Long Melford decision of April 2020 (appeal ref: 3214377). Similar to that case, which concerned a Core Village, the development in this instance is considered to meet a local need and is for a settlement that should act as a focus for growth within its cluster. In the absence of a settlement boundary review, the settlement boundaries are not considered to be up to date; and in the absence of a site allocations document as envisaged when the CS was adopted, it is the case that the Council's ability to deliver new housing and meet its housing land supply targets relies heavily upon edge of settlement sites coming forward.
- 5.30. However, and most significantly, the proposal is not in accordance with the development plan as a whole (policies CS2, CS11 and CS15), owing solely to the cumulative impacts and significant detriment to the highway network and safety arising from the development. There is a proven need, but the circumstances of the application are not exceptional and unacceptable harm would result if it were approved. Whilst there is a reduced weight afforded to policy CS2 the conflict with CS2 is heightened owing to the fact that the proposal fails to comply with policies CS11 and CS15, which provide for a more flexible approach to countryside development, which echoes the aims of the NPPF.
- 5.31. The principle of development is therefore unacceptable on the basis of unacceptable impact on highway safety and cumulative impacts on the road network (Swan Street) with no acceptable mitigating solution proposed. The proposal is therefore contrary to policies CS2, CS11, CS15 and paragraphs 110 and 111 of the NPPF. In turn, this application is also contrary to policy BOX 1 and BOX 4 of the post-examination Neighbourhood Plan.

6. Nearby Services and Connections Assessment of Proposal

- 6.3. The site is located within close proximity to Boxford and its associated services, facilities and amenities. These include; primary school, public houses, shops, café, hair salon, butchers, post office and store, village store, motor garage with petrol station, GP health centre, church, village hall, sports pavilion and playing fields.
- 6.4. There is a routine public bus service connecting the site to the wider area through the route 91 service. The application site is a 5-minute walk along Sand Hill to the true centre of Boxford, and its available key services.
- 6.5. Public transport accessibility from the site is good with bus stops available on the Sand Hill / Cox Hill junction, which is within walking distance from the site. The bus routes

connect Boxford to the surrounding areas of Hadleigh, Sudbury and Ipswich. The accessible bus network provides a viable option for residents to commute to other settlements for employment, education and healthcare etc. As such, there is the opportunity for residents to choose more sustainable modes of transport than the private vehicle.

- 6.6. The site is considered to be well-connected to a range of services, facilities, amenities and employment with a genuine choice of transport modes available to future occupants to access services, facilities, amenities and employment in nearby villages and towns.

7. Site Access, Parking and Highway Safety Considerations

- 7.3. As part of the application several works are proposed within the highway network to improve connectivity from the site to Boxford.
- New 20 mph speed limit along Ellis Street (secured via Traffic Regulation Order)
 - Extension to existing 1.2 metre footway on southern side of Ellis Street by utilising highway land in the carriageway extending down past the existing footway on the northern side of Ellis Street
 - Formalise parking bays on Ellis Street
 - Increase bus stop waiting area
 - Timber bollards with reflective bands on proposed Ellis Street footway
- 7.4. At the time of the original decision, it was noted that Boxford Parish Council, alongside Members and third-party representations raised significant concerns relating to the traffic impact along Ellis Street. At the time of the original decision no concerns were raised by officers nor the Local Highway Authority (LHA) (SCC Highways). Boxford Parish Council also submitted a highways assessment, which has been duly considered.
- 7.5. Following continued concerns being raised after the original decision was quashed and the submission of further plans relating to the proposed highways works, an independent highways assessment conducted by SWECO was commissioned and published for consultation in October 2021.
- 7.6. The SWECO report assessed the views, position and submitted information from the applicant, parish council, residents and SCC Highways. The findings of the report are summarised below:
- The proposed footway along Ellis Street is deliverable if the existing kerb is retained and bank undisturbed.
 - The proposed footway along Ellis Street offers a benefit for pedestrians over the existing situation.
 - Any impact on Swan Street is unacceptable, noting that it is advantageous to go along Swan Street rather than the A1071 when accessing Bury St Edmunds, Cambridgeshire, The Midlands and the North, it is considered that future occupants of the site would choose to utilise Swan Street.
 - An increase in traffic along Swan Street is unlikely to adversely affect pedestrians

- The impacts on the highway network identified at Swan Street and Ellis Street are both significant but contextually different in terms of visibility for vehicles and their ability to stop to let vehicles pass.

- 7.7. It is acknowledged within the SWECO report that the proposed footway works along Ellis Street would improve the current local pedestrian network by improving overall accessibility into Boxford by creating a footway in a location where pedestrians currently have to walk within the road. Moreover, the works would create a footway which would meet the width of the existing pedestrian network infrastructure around Boxford. Whilst the works would not significantly improve existing problems, they would not worsen them in such a way that would be comparable to Swan Street and warrant refusal. On balance there would be no practical nor material change in the existing function of the carriageway along Ellis Street.
- 7.8. Whilst the SWECO report partly relies on behavioural assumptions that people will drive along Swan Street as it is advantageous, offering a shorter and more direct route to Bury St Edmunds. As demonstrated by the first Daking Avenue appeal, even a modest increase of between 7 and 8 vehicles using Swan Street during peak hours was considered enough to result in a severe impact on the highway network. Whilst the most recent appeal stated that 2 movements would have had a neutral impact, as identified within the SWECO report, this development creates the potential for 6 movements during peak hours which is considered to have a detrimental and severe impact on the highway network.
- 7.9. There have been no alterations made to Swan Street since that appeal and there are no mitigation measures proposed along Swan Street under this application. The potential increase in traffic along Swan Street arising from 64 dwellings is considered in isolation unacceptable, especially noting that using Swan Street is a beneficial route for future occupants to take to save time and therefore future occupants are likely to use this route and engage in this increased risk. The existing safety risks and congestion arising from the substandard highway network along Swan Street would be exacerbated. This cumulative embracement of risk would increase potential conflicts and compromise safety along Swan Street, between both motorists, cyclists and pedestrians.
- 7.10. Both appeal decisions along Daking Avenue accepted that an increase of between 7 and 8 vehicular movements during peak hours would have a severe impact. The most recent appeal suggested that in isolation 2 movements during peak hours would have a neutral impact. The SWECO report identified that the Sand Hill development would result in between 2 and 6 vehicular movements during peak hours. There is currently an application pending (DC/22/02448) which is a resubmission of the application that was subject to the most recent appeal along Daking Avenue (APP/D3505/W/21/3275718). The applicant considers that this resubmission has addressed appeal was originally dismissed. Noting that the inspector did state that 2 vehicular movements would have a neutral impact, it should be noted that were that scheme to be approved alongside this application at Sand Hill, the severe impact arising from between 7 and 8 vehicular movements as identified within both Daking Avenue appeals would be in cumulation reached.

- 7.11. Notwithstanding that there may be an unacceptable cumulative impact arising from this application alongside a pending application, in isolation the impact arising from this proposed application alone is considered to result in a severe impact on the highway network and its user.
- 7.12. Whilst the LHA did not object, based on the further assessment provided by SWECO alongside the lack of evidence to rebut this position and notable appeal decisions, the LPA takes a balanced and precautionary view that the impacts to Swan Street would be significant and severe, engaging with paragraph 111 of the NPPF.
- 7.13. With regard to paragraph 111 of the NPPF, in noting the findings of the SWECO report, it is considered that the development would contribute to and exacerbate existing highways issues along Swan Street in such a way so as to result in “*an unacceptable impact on highway safety*” along Swan Street. Paragraph 111 thus states that where there is an unacceptable highway safety impact identified development should be prevented or refused. In considering paragraph 110 d) of the NPPF, there are no proposed highways works to mitigate the significant impacts on the transport network along Swan Street to an acceptable degree.
- 7.14. The proposed development would therefore conflict with policies CS11 and CS15, emerging policy BOX 4 and paragraphs 110 and 111 of the NPPF in respect of highways impacts.

8. Design and Layout

- 8.3. Policies CN01 and CS15, emerging NP policies BOX 7 and BOX 16 and paragraph 130 of the NPPF attach great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 8.4. Detailed design is a reserved matter. Notwithstanding this, the scheme could adopt similar aesthetic details of existing residential dwellings within the area, and therefore harmonise with the character and form of the locality. The dwellings as shown on the indicative plans would be up to two storeys with a maximum ridge height of 9.5 metres. The proposed Community building is proposed as a 1.5 storey height, of no more than 7.5m to ridge. These heights could be conditioned. Moreover, specific environmental sustainability measures could be incorporated into the reserved matters and secured via condition.
- 8.5. Layout is also a reserved matter; however, consideration must be afforded as to the effectiveness of the site to include suitable and appropriate access, public open space, the proposed quantum of development, community building, attenuation area and landscaping. The site is readily capable of accommodating all aspects discussed as demonstrated on the indicative masterplan, whilst offering good spatial integration. Whilst the layout is not set as it is in indicative form, specific conditions and s106 obligations could secure certain aspects to be brought forward within reserved matters. There is little before officers at this stage to suggest the scheme would result in undue harm to the character or landscape of the site and immediate locality.

8.6. Notwithstanding that a telephone exchange exists within the village that would provide broadband, a planning condition could be imposed securing the provision of superfast/ ultrafast broadband to the development addressing the previous concern raised by Boxford Parish Council during the Judicial review.

9. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 9.1. Policy CS15 and emerging NP policies BOX 11, BOX 12 and BOX 13 and paragraphs 174 and 180 of the NPPF seek to conserve and enhance biodiversity and the natural environment, among other things. The scheme offers a high level of landscaping at this outline stage, facilitated through public open space, landscape buffers and the quantum of development.
- 9.2. The scheme presents a limited impact upon arboricultural value. The removal of trees and overgrown vegetation as existing is not a matter which officers raise concern with. A cluster of unprotected trees around the proposed access point would have to be removed to facilitate the creation of the site access. The Council's Landscaping Team and Arboricultural Officer resolved to support the application subject to conditions. The Landscaping Team also made several recommendations to improve the landscaping that could be accommodated within a reserved matters submission.
- 9.3. The Council's Ecology Team resolved to support the proposal subject to conditions. The Ecologist supports the scheme subject to the submission and agreement of a landscape and ecological management plan, biodiversity enhancement, skylark mitigation, construction management plan and lighting design details. These matters would be secured via condition in the event planning permission is required.
- 9.4. Paragraph 174 of the NPPF seeks to retain the Best and Most Versatile (BMV) agricultural land for agricultural purposes. Land is graded on a scale of 1 - 5, with Grade 1 deemed excellent quality and Grade 5 deemed very poor-quality agricultural land. In this instance the 5.71Ha site comprises of Grade 3 land. In reviewing the agricultural land classifications for Babergh, the majority of the land within the district is classified as Grades 2 and 3, with limited land in the lower categories. Accordingly, officers thereby consider there to be limited poorer quality land available that would represent a preferable location and the extent of loss of 5.71Ha would be minimal to the wider agricultural land available and so would not be sufficient to merit a reason for refusal for this development.
- 9.5. The application has been screened to determine whether an Environmental Impact Assessment (EIA) is required. This development and other consented and allocated developments have been considered. Given the scale and nature of the proposed development, along with the character, constraints of the surrounding area, it is not considered that the proposed development would result in significant effects on the environment, whether in isolation or in combination with any other developments in the locality. An Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) was not required to assess the environmental impacts of the scheme.

10. Land Contamination, Flood Risk, Drainage and Waste

- 10.1. There are no contamination issues or risks identified within the submitted land contamination studies and the Council's Environmental Protection Team are satisfied that development could go ahead without the need for further investigation or remediation at this stage.
- 10.2. As the site is over 1 hectare a Flood Risk Assessment and SuDS details have been submitted to support the application.
- 10.3. The site is located within Flood Zone 1 (very low fluvial flood risk) and is primarily at a very low risk of pluvial flooding, with a small area at a low risk of pluvial flooding. The overall flood risk on site is therefore considered to be primarily very low, with a marginal area that is to be retained as open space/ for SuDS at a low risk.
- 10.4. SCC Floods and Water as the Local Lead Flood Authority (LLFA) have assessed the submitted Flood Risk Assessments and proposed SuDS and are content that the existing and future pluvial flood risk has been appropriately mitigated.
- 10.5. Surface water run off onto the highway has been assessed by SCC Highways, and officers concur with these findings insofar as the sites sealed surfaces could be adequately managed through SUDs. The scheme does not present concern in this regard, and there is little before officers to suggest that a flood and water compliant scheme could not be delivered.
- 10.6. The proposal would accord with policy CS15, emerging NP policy BOX 15 and paragraph 174 of the NPPF in respect of land contamination, flood risk, drainage and waste.

11. Heritage Issues

- 11.1. Policies CS11, CS15, CN01, CN06 and CN08, emerging policies BOX 8 and BOX 10 and paragraphs 197 and 199 of the NPPF seek to protect the character and appearance of buildings and Conservation Areas designated due to their architectural and or historical interest, including from harm to their significance and or setting. Policy CN08 pays particular attention to developments in or affecting Conservation Areas. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting and Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The practical effect of these statutory duties is to present a strong presumption against the grant planning permission where harm is found. The need to keep designated heritage assets from harm is a matter of considerable importance and weight.
- 11.2. In this case there are specific NPPF policies relating to designated heritage assets (including the Boxford Conservation Area) that should be considered. Paragraph 199 of the NPPF states; "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation." It continues to identify that; "This is irrespective of whether any potential

harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

- 11.3. Paragraph 197 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 11.4. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 11.5. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
- 11.6. The Council's Heritage Team originally provided the following response to the application “A negligible level of harm to the designated heritage assets because the likely but relatively limited increase in traffic levels within Boxford Conservation Area associated with the development would have a limited negative impact upon its character and the setting of listed buildings within it. However, I consider that the construction of the dwellings themselves and associated highway work would not harm the designated heritage assets in principle. I do not object to the application, subject to conditions and further detail at reserved matters stage.” However, since the quashing of the original decision, further consultation has occurred with the Council's Heritage Team in light of further plans being submitted detailing proposed highway improvements to determine whether the proposed highway works would affect the Boxford Conservation Area and nearby listed buildings and whether the negligible level of harm previously identified has increased.
- 11.7. The proposed development is considered to result in a very low level of less than substantial harm (an increase in harm from the previously negligible level identified) to Boxford Conservation Area by way of the “slight urbanising effect of some of the additional highways works proposed in Ellis Street, combined with the likely but relatively limited increase in traffic levels within Boxford Conservation Area”. The Council's Heritage Team did not however identify any harm to nearby listed buildings.
- 11.8. Irrespective of the very low level of harm identified, material harm is nonetheless identified and thus the test as set out under paragraph 202 of the NPPF is engaged having special regard to the desirability of preserving the setting of the listed building as required by sections 66 and 72 of the listed buildings Act and giving the harm considerable importance and weight where there is a presumption against a grant of permission where harm is identified (also see NPPF paragraphs 194 and 195 – any harm requires clear and convincing justification). Despite the harm being of a very low level, officers apply no less importance to that finding, in accordance with the statutory duties of the listed buildings Act. As well as s66(1) due to impact upon the listed buildings in that

area, S72(1) is engaged because the very low level of adverse effect would occur within the designated area too; in all other respects the significance of the Conservation Area (and its setting) would be preserved. The scheme provides significant benefits through the delivery of housing (including affordable units), a community building, biodiversity and ecology, public open space, all in an accessible location (a Core Village) reducing the need to travel by private car compared to more remote areas of the district. These benefits are considered to decisively outweigh the harms.

- 11.9. With regard to the duty under the 1990 Act, the public benefits of the scheme outweigh the very low level of less than substantial harm to the historic environment, even where considerable importance and weight is attached to that harm, and that harm has been weighed again when considered in the overall balance being struck (which, in any event, clearly points to a refusal of planning permission).
- 11.10. The site lies in an area of archaeological potential recorded on the County Historic Environment Record. The site is topographically favourable for early activity, and an Anglo-Saxon brooch fragment is recorded from within it (County Historic Environment Record BXF 009) – if not a chance loss, this may represent a cemetery in the vicinity. There are also recorded findspots of Roman and medieval date in the wider area, particularly to the south (BXF 003, 007, 010, 033, 034). As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- 11.11. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework, if permission were to be granted planning conditions should be imposed to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

12. Impact on Residential Amenity

- 12.1. Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 12.2. There is little before officers to suggest that the scheme would result in a materially intrusive development, which would hinder and oppress the domestic enjoyment and function of existing adjacent property, to an unacceptable level. Officers do not consider that the site is overdeveloped by virtue of the quantum of development shown on the indicative plans which demonstrates that sufficient amenity space and separation distances can be achieved within reserved matters.
- 12.3. It is noted that there is the potential for disruption during the construction phase, and in the interests of neighbours, a Construction Management Plan (CMP) could be secured via condition to mitigate impact.

12.4. The proposed scheme is not considered to detrimentally affect residential amenity in such way as to warrant refusal. The scheme would accord with paragraph 130 of the NPPF.

13. Planning Obligations / CIL

13.1. In the event that planning permission were to be granted, s106 obligations would be required to provide and deliver the following contributions, public benefits, and affordable housing, as follows:

Education

- Secondary school transport- £72,300

Highways

- Traffic Regulation Order (to extend 30mph speed limit and introduce 20mph speed zone)- £20,000
- Public Rights of Way (complete legal process to upgrade PROW footpath to bridleway)- £5000
- Public transport (construct new raised bus stop kerbs with shelters)- £15,000
- Creation of footway from the bottom of Sand Hill, into Cox Hill junction and Ellis Street and an uncontrolled crossing point, inclusive of widening the 'pinch point' on Broad Street

Public Open Space consisting of:

- An area of no less than 2.03Ha
- Local Areas for Play (LAP) and / or Local Equipped Areas for Play provision
- Management Company

Affordable Housing

- 22 units in total. All units to meet Nationally Described Space Standards.

Affordable rent:

4 x 1-bedroom 2 person flats
2 x 2-bedroom 4 person bungalows
8 x 2-bedroom 4 person houses
1 x 3-bedroom 5 person house

Shared ownership:

5 x 2-bedroom 4 person houses
2 x 3bedroom 5 person houses

Other

- Monitoring Fee- £412
- Community Building- unit to be set on an area of no less than 0.08Ha – D1 Local Community Use Class unit

13.2. The development would be liable for Community Infrastructure Levy which would be used to provide the following funding:

Education

- Primary places (£17,268 per place)- £276,288
- Secondary places (£23,755 per place)- £285,300
- Early years places (£17,268 per place)- £86,340

Other

- Libraries improvements- £13,824

PART FOUR – CONCLUSION

14. Planning Balance and Conclusion

- 14.1. The Council benefits from a five-year housing land supply (measured at 6.86 years at the time of writing) and continues to pass the Housing Delivery Test. Whilst policy CS2 is considered to hold less than full weight, when viewed in the round amongst the overall '*basket of most important policies*', including CS1, CS11 and CS15 that are attached full weight given their strong alignment with the NPPF, the most important policies are up to date. In viewing most important policies relevant to the determination as part of an overall '*basket of policies*', the '*tilted balance*' at paragraph 11(d) of the NPPF is not engaged.
- 14.2. A degree of less than substantial harm has been identified to a designated heritage asset (Boxford Conservation Area). This harm, with great weight attached to it, would however be outweighed by public benefits when engaging the test set out under paragraph 202 of the NPPF.
- 14.3. The development would result in a moderate detrimental impact on the landscape character and to visual receptors immediately around the site. However, the landscape harms identified can be appropriately mitigated via planting by year 10 of the development being completed. The enclosed and limited extent of these harms must be noted, and that they do not occur over a significantly large area within the wider landscape. It is inevitable that the development of a greenfield site will present landscape harm but in this context the impact is localised and capable of mitigation sufficient to satisfy policies CS11 and CS15. Environmentally there would also be positive ecological and biodiversity enhancements.
- 14.4. Whilst the majority of the detailed matters are reserved, there is little before officers to suggest the scheme conflicts to an unacceptable level in terms of; design and layout, heritage, residential amenity, ecology, flood and water, land contamination and sustainability/ connectivity. Whilst there would be some landscape harm this is considered to be mitigated.
- 14.5. The site is outside the settlement boundary and therefore strictly conflicts with policy CS2, regardless of the less than full weight attached to that policy. As a policy of vital

importance underpinning the spatial strategy of the Council, and where the circumstances of this application are not exceptional, the development is considered to conflict with the development plan as a whole. Effectively a “straight balance” is required where conflict identified with the development plan as a whole is weighed against other material considerations including the degree of compliance with NPPF and wider scheme benefits.

- 14.6. Although the site is located outside the main part of Boxford, it is on the edge of the village, close to built settlement in a sustainable location. Policy CS11 contemplates development at such edge-of-village locations adopting a flexible approach that is consistent with the NPPF. Whilst the site is in a preferential location, well-related to a Core Village, and offers a range of public benefits, there would be an unacceptable impact on the highway network. Such that the proposal fails against policy CS11 and CS15. The proposal conflicts with the development plan in regard to highways impacts, which undermines the acceptability of the principle of the scheme when assessed against policies CS2, CS11 and CS15.
- 14.7. Whilst many of the conflicts identified (outside of the settlement boundary, school transport, landscape and heritage) are mitigated, the highways impacts on Swan Street are considered to cause an unacceptable impact on highway safety and flow that cannot be mitigated to an acceptable degree, contrary to policies CS11 and CS15, policy BOX 4 of the emerging Boxford Neighbourhood Plan and paragraphs 110d) and 111 of the NPPF.
- 14.8. The proposal is in conflict with the Development Plan as a whole (policies CS2, CS11 and CS15). The application would for that reason also conflict with policies BOX 1 and BOX 4 of the post-examination Neighbourhood Plan. Whilst there are a number of public benefits, these are not sufficient to outweigh the harm that has been identified and there are no material considerations that indicate that a decision should be taken that departs from the Development Plan. Rather, the application of policies in the NPPF and the Boxford Neighbourhood Plan would reinforce that direction. As such and in considering the highways impacts of the proposal officers recommend that the application is refused planning permission.

RECOMMENDATION

The recommendation is therefore that the application is REFUSED planning permission for the following reason:

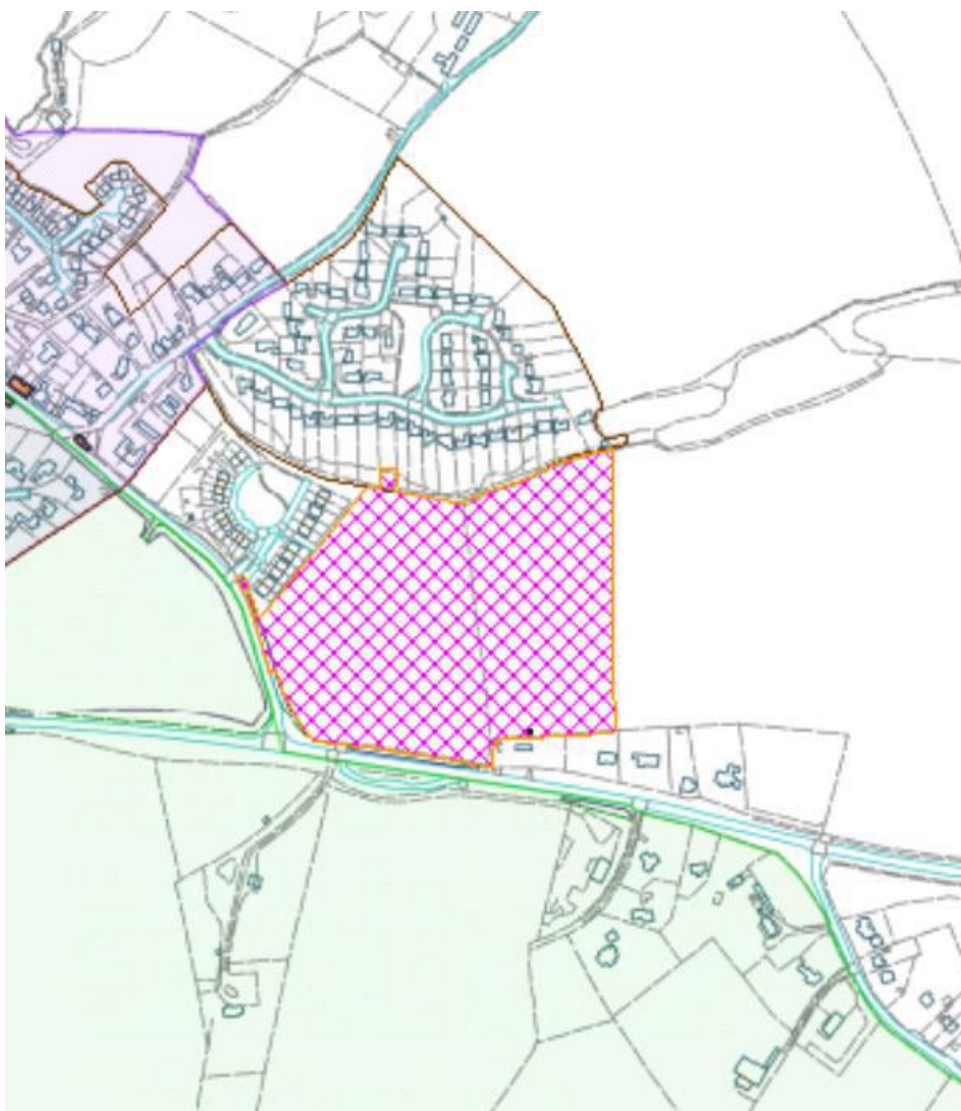
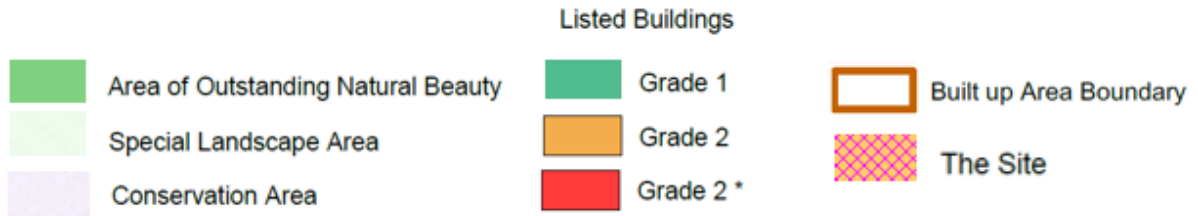
1. The proposal would be contrary to policies CS2, CS11 and CS15 the Babergh Core Strategy (2014), policy BOX 4 of the emerging Boxford Neighbourhood Plan and paragraphs 110d) and 111 of the NPPF. The scheme would result in an unacceptable and severe impact on the highway network and its users without an acceptable mitigating solution. There would be a severe and unacceptable impact on one of the main roads within Boxford (Swan Street) by way of increasing the risk of incidents without acceptable mitigation.

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Application No: DC/20/00330

Parish: Boxford

Location: Land to the East of Sand Hill



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Agenda Item 6b

Committee Report

Item No: 6B

Reference: DC/22/00682

Case Officer: Elizabeth Flood

Ward: Sproughton & Pinewood.

Ward Member/s: Cllr Richard Hardacre. Cllr Zachary Norman.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Application for Approval of Reserved Matters following Outline Approval DC/17/05687 - Submission of details for Appearance, Landscaping, Layout and Scale for an Industrial development with ancillary office space (B2/B8 & E(g)ii)/E(g)iii), including related servicing arrangements, car parking, landscaping, and associated works.

Location

Parcels 12, 13 & 15 Of The Land Off Sproughton Road, Former British Sugar Factory, Sproughton, Ipswich Suffolk IP1 5FF

Expiry Date: 13/05/2022

Application Type: RES - Reserved Matters

Development Type: Major Large Scale - All Other

Applicant: HE2 UK Enterprises 16 GP Ltd

Agent: UMC Architects

Parish: Sproughton

Site area: 3.95 ha

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member: No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

It provides for the erection of industrial buildings with a gross floor space exceeding 3,750 sqm.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS08 - Sproughton Strategic Employment Land Allocation
CS12 - Design and Construction Standards
CS13 - Renewable / Low Carbon Energy
CS14 - Green Infrastructure
CS15 - Implementing Sustainable Development
CS16 - Town, Village and Local Centres
CS21 - Infrastructure Provision
CN01 - Design Standards
CN04 - Design & Crime Prevention
CN06 - Listed Buildings - Alteration/Ext/COU
CN14 - Historic Parks and Gardens - National
CN15 - Historic Parks and Gardens - Local
CR04 - Special Landscape Areas
EM02 - General Employment Areas - Existing and New Allocations
EM04 - Former British Sugar Sproughton
EM08 - Warehousing & Distribution
EN22 - Light Pollution - Outdoor Lighting
SP03 - Retail Development Outside Town Centres
TP05 - New cycle Link - Sproughton
TP15 - Parking Standards - New Development
TP16 - Green Travel Plans

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 3: Pre-submission publicity and consultation
Accordingly, the Neighbourhood Plan has little weight.

Consultations and Representations

During the course of the application, Consultations and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council

Sproughton Parish Council

Initial response (8th March 2022)

Sproughton Parish Council objects to planning application DC/22/00682 in relation to the following issues. However, if these can be resolved and appropriate conditions imposed to address these issues, we would likely retract these objections.

Our first Issue: The Tetra Tech Noise Assessment report submitted with this application for units 4, 5, 7 & 8 on the SEP undermines the principles & policies against which the original outline application

(DC/17/05687) was approved. The original outline planning application for the site DC/17/05687 as considered and approved by the BDC Planning Committee in 2018 was supported by an Acoustic Technical Report that set the limits of the cumulative noise generated by the whole Sproughton Enterprise Park (DC/17/05687 development) such that the total should not exceed the local background noise at the surrounding residential receptors.

This is in line with the requirements of Policy CS8 (iv) no material adverse impacts on residential amenity; the proposition being that provided the noise level from the SEP measured at the residential receptors did not exceed the background noise at the residential receptors this would not create a noticeable increase in the noise impact on the residential amenity receptors. This principle was acceptable as it ensured there would be no increase in noise impact on the residential amenity from the whole cumulative noise impact of the S.E.P. /Eastern Gateway Site.

However, the Tetra Tech Noise Assessment report follows the principles normally applied to individual developments calculating the potential noise impact of the individual development on residential receptors and comparing that with a noise level the report considers acceptable. SPC object to this because it is not the process that was submitted in the outline planning application and would set a precedent to adopt this process for the rest of the development that would allow cumulative noise impact from the whole site to exceed the background noise which is not what was proposed and accepted in the original outline planning application.

We also object to this because this method of noise impact assessment allows for assumptions and generalisations to be adopted that do not recognise the true nature of the noise impact on individual residential homes. The Tetra Tech Noise Assessment adopts typical noise assessment assumptions about residential receptors using a modern standard of 30db noise reduction for double glazed windows and a 15db noise reduction for partially open double-glazed windows. However, the homes to the south of the site sitting on the valley side facing the development are not modern homes, they are predominantly older properties, at least 30 years old, many much older and some pre-1900. As such their windows vary enormously including single glazed, older double glazed, various frames, glass thicknesses and various frequency resonances that are factors not considered in the report. Even compared to the partially opened double glazed window considered a single glazed windows in an older house offers virtually no sound insulation fully opened on a hot summer's night. Indeed, it would be an impractical task to consider the sound insulating properties of all these windows. However, the principle submitted in the Outline Planning Application sets a fairer and simpler method of assessment that prevents any increase in noise levels at the residential receptors regardless of what windows may be installed

However, we hope that the survey data already obtained may be adequate to recalculate the noise impact of the proposed application in conformity with the standards originally agreed. It is important, as the development is built out, that new and different methods of noise assessment are not introduced and that the cumulative noise impact of new units on the site are not incorporated in the local background noise criteria otherwise there is the risk that the accepted threshold for noise impact on the residential amenity will increase.

We would also point out that this is not just important for the residential amenity but to limit the adverse impact noise will have on the Chantry Cut Island Nature Reserve that sits immediately to the South between the SEP/Eastern Gateway development and the residential areas. Noise, particularly high frequency noise, is a recognised deterrent used in pest control to move wildlife away from an area and any increased noise impact on the Nature Reserve is likely to have a detrimental impact on the value of this wildlife area.

Our second issue: concerns the building plant noise assessment. This assumed that the plant might be placed on the north side of the buildings as this was considered the 'worst case scenario' closer to the nearest residential receptors RO1 and RO2. In relation to RO1 this is not correct, Elton Park is closer. In relation to RO2 this is only marginally correct and dependent on how it is measured. For instance, RO2 is

further away from the position the plant is shown installed in Fig. 5.1 than RO4 would be from plant placed on the opposite (south) side of the same building. RO4, RO5 and RO6 receptors are closer on average than RO1 and RO2. RO1 and RO2 are also screened by the railway embankment as can be seen in Fig 5.1 whilst exposed to railway noise and a busy roundabout for an industrial park and 24hour supermarket. Whereas Elton Park sits exposed with just an open car park and the apparently completely overlooked wildlife in the Sproughton nature reserve between. This is a relatively quieter area and therefore like the nature reserve vulnerable to a greater adverse impact from noise

The Noise contour plots on figure 5.1 clearly show how the railway line shields RO1 and RO2 from any noise from the building plant and how if the plant is installed on the North side of the buildings the buildings shield the Elton Park area from any noise. But this report caveats that these are assumed plant positions that might be installed anywhere around the building. Clearly if this plant was installed in different positions both the nature reserve and the Elton park area could be exposed to unshielded direct exposure to this plant noise which we object to

From the drawing it can be seen that the plant for units 4 and 5 are positioned further South, unit 8 is slightly further east and unit 7 has plant installed near the South East corner that appears to have been unconsidered and is in a position that would potentially 'funnel' noise towards the Elton Park and nature Reserve areas.

If the assessment of noise impact from the true positions for this plant is reassessed and it does not exceed the local back ground noise at the residential receptors South of the development (conforming with the originally accepted limits set for DC/17/05687) this would be acceptable.

However, we understand that the end user is not confirmed and it is not known if additional plant may become a requirement so we would ask that a condition is set that any change to plant or additional plant is subjected to the same standard of noise assessment. (that it does not exceed the local back ground noise at the residential receptors)

Our third issue: is with regards to the Halligan Lighting Report. This lighting report has been assessed against environmental zone E3 (suburban) described as 'Medium district Brightness'; and typified as 'Well inhabited rural and urban settlements, small town centres of suburban locations' and whereas that may be appropriate looking North it is not appropriate looking South for which reason we object to this report.

The Chantry Cut Island Nature Reserve and River Valley Greenway sits immediately South of the Sproughton Enterprise Park and lighting impact on that area could have a significant detrimental effect on the nocturnal biodiversity which includes Owls, Bats and their prey and many twilight feeders like Otters, Deer etc.

It is also inappropriate to consider the residential area South of the site on the opposing river valley side as E3 suburban for lighting assessment. Elton Park estate is unlit and the lights in the adjacent housing areas all go out after 11pm. This unlit area is then backed by unlit parkland and woodland creating a vast predominantly dark and unlit environment overnight. So, all stray lighting from the S.E.P. to the south is very distinct and detrimental particularly to the wildlife area. As the purpose of planning application reports are to identify and protect the most sensitive assets of an area surely it is this area that should define the environmental zone and at the very least this should be described as a 'relatively dark outer suburban location' defining it as E2, 'Low District brightness' We believe that this lighting scheme may still be acceptable when assessed against an E2 environmental zone. However, we cannot agree with this report unless that is undertaken and proven, and cannot accept a precedent being set in relation to environmental assessments where the sensitivity of a Nature Reserve is ignored.

We would also ask that clear conditions are set to limit both light and noise disturbance on the residential amenity and Wildlife areas during the construction of this application to the generally accepted hours for noisy work of Monday to Friday 8.00am-6.00pm, Saturdays 8.30am-1.00pm. The construction of the adjacent Amazon Distribution unit raised many complaints when loud work and floodlights continued late into the evening and frequently from early in the morning impacting on the sleep of residents. This appeared to be the result of contractors being ignorant or ignoring any conditions and it took months before this was properly controlled. We do not want our residents to have to endure that again.

Our fourth issue; centres around the landscaping surrounding the proposed buildings. We believe the SEP should have as much planting as possible. Developments should be more creative and incorporate sections of green wall for example. It is laudable that Trebor have specified areas of planting including well-being areas. There is a reference to the hedgerows being indigenous which we believe is what is commonly referred to (& should be) native mix i.e. hawthorn, blackthorn, hazel, dog rose amongst others. Mixed hedgerows play a vitally important role as wildlife 'highways', nesting cover, and as a diverse source of food for many animals. They can support up to 80% of our native woodland bird population, 50% of our mammals, 30% of our butterflies and many species of insect. The grassy verge at the base of the hedge can also be home to reptiles and ground nesting birds. This may be slightly ambitious for a hedgerow in the middle of an industrial park but given SEP sits between the Gipping River, Sproughton Nature Reserve, and countryside it will contribute to maintaining a degree of biodiversity in the area.

We also feel that the trees planted next to the Well-Being areas should be fruit trees – this could be regarded as a 'scattered orchard' something our Neighbourhood Plan team are including in the new plan. In general, all planting should be pollinator friendly. It is also hoped that a small strip of planting around the edge of the new units (not shown on the plans) could be incorporated as grass but including wildflowers, again pollinator friendly providing cover for smaller animals. We understand that a minimum number of parking spaces must be included however we feel that it would be beneficial if the parking spaces could be separated at regular intervals by additional grass verges.

Our final issue is with regards to sustainability and the nationwide move towards net-zero carbon. We note that one plan includes a reference to photovoltaic panels. However, we feel that more is required. Photovoltaic and solar panels should be standard as should grey water recycling and the collection of rainwater to irrigate the green areas. It is hoped that heating will be via heat pumps be they ground or air source.

Subsequent comments (18th April 2022)

The changes on the planning portal for the application are two plans that show some additional acoustic screening fencing on the East Side of the development.

This however does not address our concerns about noise radiating to the South towards Elton Park and the Nature Reserve, neither does it address our concerns that the noise survey is making comparisons against the wrong criteria.

The criteria submitted in the outline planning application, which is what the BDC Planning Committee approved, was that the total noise of the Enterprise Park should not exceed the existing background noise. That means that as the enterprise park develops consideration must be made against the noise generated by the applicant cumulatively with any other noise generated by other units already in place and that total cumulative noise should not exceed the same level at residential receptors as the other surrounding background noise at that same receptor.

What this application is doing is conducting a unilateral noise survey only considering noise generated by their own units and judging that against an adopted noise guidance format as being within the limits of that format's recommended noise impact on residential receptors.

This completely ignores the issue of cumulative noise impact from all the projected units on top of background noise. Basically, if this is condoned and not challenged every new application can add a layer of noise potentially higher than the last application as the noise cumulatively increases. Whereas the agreed outline planning noise strategy sets a limit on the whole enterprise park not to exceed the measured background noise.

There was also an issue that the applicants noise survey based the noise impact on bedrooms protected with good quality double glazing and some homes impacted do not have that standard of sound proofing. Again, under the outline planning noise strategy at least any new units must pin back their noise impacts to an existing level regardless of what type of windows are in a house.

Final comments (16th May 2022)

With regards to our issue 5, We welcome the applicant's comments and proposed heat pump systems but consider that few businesses will actually install PV cells themselves on an existing warehouse. This is simply demonstrated by viewing existing warehousing on google earth to see how few actually have done that. Therefore, if PV cells are not included in the planning application/conditions we doubt that the end user will bother to install them just because the warehouses are 'wired' for PV cells. In view of the National/International crises developing around global warming and supply of fossil fuels we feel it should now be a condition for new development to have PV cells installed and would recommend that for this application.

With regards to our issue 4 we are grateful for the applicant's consideration for our suggestions. We would propose in relation to hedgerows and in the interests of wildlife, biodiversity and their future protection that planting of all new hedgerows should consist of a minimum of 7 of the woody species from the Schedule 3 list of The Hedgerows Regulations 1997 instead of the 4 proposed in the Biodiversity Management Plan, to be distributed over each 50 metre section of hedgerow or less and that any replacement planting required due to plant failure or damage should be Schedule 3 woody species to maintain that 7 species mix.

With regards to our issue 3 we are pleased for the assurance that the lighting contamination at the areas of concern will be within the E2 environmental zone standard. But would point out that the primary area of concern are the Island site and Gipping River corridor which are designated in the planning policy as nature areas and wildlife assets which by definition must then be E2 or better to protect them. These Nature areas are 180 metres from the site which is closer than the 300metres referenced to nearest residential amenity.

With regards to our issues 1 and 2 relating to noise impacts. We are confused by the documents published because we find Chris Cornish the BMSDC Environmental Officer approves the application based on the additional Acoustic Barrier to be built between Units 7 & 8 along their Southern Boundary. But in all the documents and drawings we can find on the planning portal for this application acoustic fences are only shown on the East sides of the sites. Only a fence described as an existing fence is shown to the South of units 7a/b and 8. Is there a revised drawing that has not been published yet or is the drawing presented wrongly labelled and in fact the Existing Fence is intended to be an Acoustic Fence? We are also concerned that the compressor plant for unit 7b is placed between unit 7b and unit 8 but Figure 5.1 Night-time LAeq Noise Contour plots in the Tetra tech report does not appear to have considered that noise source which would have a direct impact on the Nature Reserve and Elton Park residential area. So in absence of evidence that demonstrates consideration for the unit 7b compressor plant or of the implied Acoustic Fence on the South side of units 7b and 8 we would still have to object on this point.

With regards to the letter from UMC Architects dated 27th April 2022 forwarding the comments of their Noise Assessment Consultant and, with exception to the point raised in paragraph above, we are reassured by their assurance that the noise levels for this application would conform with the cumulative noise limits submitted in the outline planning application against which standard the outline planning application was

agreed by the Planning Committee. But as above the documents presently published on the planning portal appear to fall short of demonstrating that.

What is however very concerning is that this standard was not specified in the Outline Planning application conditions which leaves the potential for a cumulative noise impact on the residential amenity and Nature Area that would exceed the noise impact limits specified when the outline planning application was approved by the planning committee with the potential to cumulatively, along with all other development, create a noise nuisance beyond the WHO recommendations capable of having an adverse impact on social and mental health well-being and even impact on the physical health of residents and as the wildlife areas are closer an equally detrimental effect on the wildlife. We would like to know how this will be dealt with in future to ensure the limitations of noise impact from the SEP site on the residential amenity are restrained to what the planning committee approval was based on

Ipswich Borough Council

Design

The units will have a ridge height of approximately 15.5 metres or less. The height and massing of the buildings means they are likely to be visible in mid-distance views. A bund and retention of existing trees will provide natural screening and maintenance.

The design of the buildings is basic, though efforts have been made to break up the facades through the utilisation of cladding of different colours (greys, blue, anthracite and white). Use of metal cladding could create a reflective surface which would make the buildings appear brighter in the landscape. More natural colour hues or recessive colour grading may help the buildings to appear less visible in the landscape and could be explored with the applicant. Consideration should also be given to how the cladding material will weather following prolonged exposure to UV light.

The height of material stored in the outside service yards should be limited to the height of the boundary treatment to reduce the visual impact.

The application includes plans to minimise light spill from the service yards beyond the plot boundaries. This is supported but should be conditioned to ensure they are incorporated at the construction stage.

Landscaping

The proposal includes greens pace provision as part of landscaping proposals. A green buffer is proposed to screen the buildings from the surrounding areas. The green buffer comprises existing trees and the creation of bunds which will add to their effectiveness. The green buffer will require substantive planting of a sufficient width to ensure effective screening. Boundary landscaping should use native species where appropriate to the location. It is important that new trees are planted in the right places and solutions are found which are compatible with highways standards and the needs of different users. The proposed landscaping scheme appears to meet these requirements.

Amenity

The application is likely to generate noise from the site yard, machinery and workers. The proposed layout of the site yards is designed to reduce noise transfer. The landscaping proposal also includes plans for a green bund, which will help to reduce noise transfer from the site. The green bund/buffer will also provide screening which will reduce the visual impact of the buildings in the mid-distance. A more sympathetic cladding could also help to address the visual impact of the buildings.

Biodiversity

The ecological report submitted alongside this application states that 'the delivery of biodiversity enhancements across the wider site is critical to off-setting the impacts of the development and ensuring

that there is no net loss of biodiversity'. The report makes a number of recommendations for enhancing biodiversity on the site, in line with national planning policy. It is important that these recommendations are taken forward into the design of the development and conditioned where appropriate.

Air Quality

No air quality impact assessment has been submitted with this application. Ipswich Borough Council has recently adopted its Low Emissions SPD (2021) in light of the air quality issues identified in Ipswich and detailed in the Council's Air Quality Action Plan (AQAP). This site is expected to employ a high number of people. The site is located in close proximity to one of the main arterial routes into Ipswich town centre (Sproughton Road/Bramford Road). It is therefore essential that the application maximises the opportunities for sustainable transport modes.

The Council would ask that the submitted details are appropriate in terms of assessment against the Suffolk Guidance for Parking (2019), in particular assessment against the quantum of appropriate secure cycle and PTW storage spaces and EV charging spaces, including future infrastructure provision, as well as shower, changing and locker facilities within the proposed buildings to encourage staff use of bicycles. The current plans do not appear to accord with the SCC Guidance.

Conclusions

Matters of concern raised by the Borough Council in January 2018 appear to have been addressed through this reserve matters application. Structural landscaping plans have been prepared, as has an ecological report which considers matters of biodiversity interest. The design of the buildings and landscaping plans seek to address residential amenity concerns raised in 2018. As such Ipswich Borough Council raise no objection to the proposal, subject to compliance with the Suffolk Guidance for Parking.

National Consultee

Highways England:

No objection

Historic England:

No comments

Natural England:

No objection

MOD:

The MOD has no safeguarding objections to this proposal

County Council Responses

Highway Authority:

Further to the submission of additional information and amended plans, we are generally satisfied with the proposal to a degree where we can recommend planning conditions. However, it should be noted that we do not support the EV charging provision and methodology and subsequently, a planning condition relating to that element of the proposal for each unit is recommended. Recommend Conditions

Archaeology:

No archaeological conditions need to be attached to parcels 12, 13 & 15 of the former British Sugar factory, as these areas have been previously disturbed or have already been fully investigated.

Travel Planning:

On reviewing the Travel Plan submitted there is no evidence of any progress with the Site-Wide Travel Plan which was secured as part of the outline planning permission, as Suffolk County Council (as Highway Authority) have not received any monitoring, or seen any progress of Travel Plan implementation on Modeshift STARS Business system with the existing occupier on the site to date.

An update on the progress of the existing Travel Plan to demonstrate that it is being implemented will need to be submitted to Suffolk County Council prior to the determination of this reserved matters application.

Flood and Water Officer:

Recommend approval

Fire and Rescue:

Request condition for the installation of Fire Hydrants.

Anglian Water:

The impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

Minerals and Waste:

No comments

Internal Consultee Responses

Heritage:

No comments

Arboricultural Officer:

No objection to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report, an appropriate condition should be used for this purpose.

Place Services: Landscaping

Proposed landscape: The proposed landscaping combines a mix of native species and ornamental planting with tree planting to improve the streetscape throughout the development. Soft landscaping to boundary frontages helps softening the hard landscape created by the industrial units and large parking areas. We feel there is a need to soften the edge between car parking area and footway of Unit 4 with additional planting. If space is a constraint, the double staggered rows can be planted closer together - up to 300mm offset to create a narrower strip or planted as a single row in this instance.

We acknowledge that advance planting has taken place to the western boundary of Unit 4. We would recommend that the maintenance for this planting is carried over and managed by the Landscape Contractor responsible for implementing the works under this application area.

We welcome the proposed ecology mitigation proposals of invertebrate gardens and log/rock piles.

The provision of amenity wellbeing areas is most welcome. When looking at the location of the wellbeing area of Unit 5, we feel that it has been pushed to the far corner and could benefit from being better integrated within the proposed soft landscape area.

We have notice that the planting palette includes Viburnum tinus 'Eve Price'. Viburnum tinus spp. can be severely damaged by Viburnum beetle and often produces an unpleasant smell particularly when the foliage is wet. We recommend that Viburnum tinus 'Eve Price' is removed from the planting palette and replaced with a more suitable alternative.

We welcome the use of native species for the new hedge planting. We found the proposed tree and hedge species appropriate.

Boundary treatment

We found the proposed boundary treatment acceptable. The colour black chosen for the 2.4 high fencing will help to reduce its visual appearance.

Landscape management

A landscape management plan for 5 years has been submitted as per our previous recommendations to support plant establishment.

There is no reference to mulching or mulching operations in the management plan and the subsequent annual top up where necessary. Mulch would assist with moisture retention and weed suppression around establishing planting. We ask that this is considered or justified in case of its omission.

The need for removal of the shelter guards should be assessed regularly and remove where the growth of the planting is sufficiently sturdy, and guards are becoming brittle. Its removal can sometimes be necessary earlier, between 2-3 years.

Environmental Protection - Sustainability:

The information included in the documents details that the applicant has complied with Condition 21 from the decision of the original Outline planning permission through the adoption of fabric first techniques, improved air tightness, the use of Air Source Heat Pumps and Solar Photovoltaics

I have viewed the applicant's new documents and whilst the number of EV charging points appears to have increased they are still insufficient.

OFFICER COMMENT – This issue is discussed in the main body of the report.

Environmental Protection - noise, odours etc:

Original Comments (10th March 2022)

With regards to version 4 of the Noise assessment undertaken by Tetra Tech dated 4th March 2022.

The assessment carries out a BS4142 assessment comparing a noise rating level to existing background noise levels established during a survey in September 2021. The assessment also considers noise

intrusion based on BS8233 and WHO guideline values for internal noise levels; however, these standards are outside of the scope for assessing the impacts of commercial and industrial noise on existing residential dwellings.

However, the BS4142 assessment is sufficient for determining the potential noise impacts of the proposals presented.

With regards to the background noise survey, which covers residential dwellings to the south and east of the site. The selected representative background noise levels in relevant to Elton Park area south of the application site are consistent with levels established by Babergh Mid Suffolk District Councils Environmental protection team in 2019 during the consultation process for the Amazon Fulfilment centre to the south and south west of the area covered by this application with a deviation of +1 for night time levels and – 5 for daytime noise levels. Therefore the background levels reported by Tetra Tech are appropriate

Plant noise

The assessment has modelled sound propagation of typical plant associated with commercial units, located in close boarded enclosures on the northern façade of unit 8 and the eastern facades of units 4, 5 and 7a/b. A +2dB penalty has been added to the noise rating level to allow for the character typical for plant of this nature.

The Noise Rating levels at the nearest receptors East and south of the site ranges from -20 to -10 and is therefore, not considered to have a significant adverse impact.

This is based on the assessment assumptions presented including the acoustic enclosure compound for the plant and locations of plant and as such conditions concerning the locations of plant, the close boarded compound fencing and a report confirming the selected equipment and its sound output compared to this assessment to validate the results prior to first use should be applied to any permission granted.

Operation Noise

The assessment has modelled the sound impact of lorry deliveries arriving at site being unloaded and leaving in consideration of the methodology in BS4142. The assessment without mitigation has identified that location R01 will have a Noise Rating level of +7dB which is between an adverse impact and significant adverse impact. In line with guidance from the NPPG for noise mitigation has been recommended in the form of 2 x 2m high Close Boarded barriers as shown in Figure 6,1.

It is noted that location R06 will experience noise levels at night at least 2dB above background (+3 based on 8hour LA90 surveys in 2019) which leaves very little room for any inherent uncertainties in the modelling. It appears from the models that this is largely due to unloading operations servicing units 7a and b. I would therefore recommend that a close boarded barrier as shown in figure 6.1 is also located between these units and unit 8.

This also ensures that noise levels do not exceed background levels and reduces the potential for noise creep as additional units on the development are added.

I would therefore recommend conditions requiring the submission of detailed plans for the acoustic barriers prior to the commencement of development.

I therefore have no objection to the proposed units subject to conditions relating to the location of plant and validation of the acoustic assessment using the actual plant installed prior to first operation and a prior to

commencement condition concerning the details of the acoustic barriers recommended by the tetra tech report plus an additional barrier between units 7 and 8 along the southern boundary.

Subsequent comments (21st April 2022)

Thank you for the above re-consultation due to additional information concerning additional acoustic barriers between units 7a/b and unit 8 to reduce noise from deliveries propagating south towards Elton Park which addresses comments made by Environmental Protection dated 10th March 2022.

Environmental Protection therefore have no objection to the above application subject to subject to conditions relating to the location of plant and validation of the acoustic assessment using the actual plant installed prior to first operation and a prior to commencement condition concerning the details of the acoustic barriers recommended by the tetra tech report plus an additional barrier between units 7 and 8 along the southern boundary as shown in the drawings submitted for re consultation.

Environmental Protection: Air quality

The operational impact of the development on air quality is predicted to be negligible, based on this assessment using predicted worst case traffic flows for the different land use classes that are involved in the development. Therefore, no mitigation is recommended. In terms of the construction phase, various methods are recommended to reduce emissions and the impact on air quality (Appendix H). I would hope that these measures have been/will be included in the Construction Environmental Management Plan, and that if this condition has not already been discharged that there would be the opportunity to comment on the air quality aspects of this.

Economic Development

The Economy Team are fully supportive of this application, as it will enable the next phase of development at the Eastern Gateway site and facilitate the creation of a further 70 jobs on this key Enterprise Zone site.

This site was purchased by Ipswich Borough Council and designated as an Enterprise Zone in 2016 after many years where the site had stood empty and proved unviable to redevelop without public intervention.

The very successful redevelopment by IBC on this site has already led to the opening of 2 substantial businesses – LaDoria and Amazon which have created in the region of 850 new jobs and this new application will see 160,000sqft of speculative commercial space created by Trebor Developments. This deal shows real confidence in the market and we understand that significant interest has already been shown in these new units.

The units are also proposed to be BREAAAM Excellent which aligns with our wider net zero ambitions.

In total 36 acres of this key site have now been sold or are under contract, out of a total developable area of 63 acres (exclusive of roads and infrastructure) bringing significant new jobs and opportunities for residents and businesses in Babergh.

If the application is approved, we would like an employment & skills condition to be included

B: Representations

At the time of writing this report at least two letters/emails/online comments have been received. It is the officer opinion that this represents two general comments. A verbal update shall be provided as necessary.

Views are summarised below:

- Would like the acoustic modelling to be considered the worse-case scenario for properties on Elton Park.
- Concern that the residents of the properties on Elton Park could be detrimentally affected by noise.
- Previous development in the area (De Lorio) contradicts the previous plans for the area due to building height, noise, light pollution and impact on wildlife.
- Flooding needs to be considered
- The restrictive tonnage, traffic restrictions over the bridge at Sroughton Road are regularly ignored.
- Impact on wildlife on adjacent conservation area
- Development needs to provide for the right kind of jobs.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

There are approximately 40 applications on this site. This information is at the foot of this report in the interests of clarity.

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. Eastern Gateway amounts to 51.2ha and is located immediately to the south of Junction 54 of the A14 as it meets Sroughton Road. The Site wholly falls within the parish of Sroughton, although it abuts the administrative boundary between the district of Babergh and the borough of Ipswich on its eastern edge; Ipswich town centre lies to the south-east. The A14 runs parallel to the western boundary of the site and is a major trunk road.
- 1.2 The site comprises Parcels 12, 13 and 15 of Eastern Gateway. Parcels 12 and 13 are located immediately east of the vehicular access into the wider site from Sroughton Road, while Parcel 15 is diagonally opposite parcels 12 and 13, east of the Amazon warehouse.
- 1.3 The current occupiers of Eastern Gateway are LDH, situated west of Parcels 12 and 13 and Amazon, situated south of Parcels 12 and 13 and west of Parcel 15. On the opposite side of Sroughton Road is Farthing Road industrial estate. The nearest residential properties are located to the south/south-east on Elton Park approximately 300 metres distant, separated by the river Gipping and vegetation of varying degrees of maturity and thickness.
- 1.4 The site is currently undeveloped land surrounded by estate roads, which incorporate verges with trees. The site falls within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The existing nature of the land also means that there is presently considered to be a low risk of surface water (pluvial) flooding.

- 1.5 The site is neither within, nor adjacent to, a Conservation Area. Nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest (SSSI), Air Quality Management Area, Local Green Space, or Area of Visual/Recreational Amenity.

2.0 The Proposal

- 2.1. The proposal is for industrial development with ancillary office space (B2/B8 & E(g)ii)/E(g)iii), including related servicing arrangements, car parking, landscaping, and associated works. The proposals involve the construction of five industrial premises (units 4, 5, 7a, 7b and 8). This is a speculative development by Trebor, a specialist commercial developer and the final occupiers are not yet known.
- 2.2. As the development is speculative, the proposed uses for the units are B2 (general industry), B8 (storage and distribution), E(g)ii) research and development and E(g)iii) light industry. The size of the units ranges from 1199 m² to 4863 m². Units 5, 7a&b and 8 are approximately 13 metres in height and unit 4 is 15 m in height.
- 2.3 The units would be clad in composite cladding of various grey shade, generally darker grey walls graduating to light grey roofs. The roofs would consist of shallow pitched roofs with rooflights, concealed by parapets.
- 2.4 The proposed parking is as follows:

Unit 4: 56	(38 required by Suffolk Parking Guidance)
Unit 5: 54	(32 required)
Unit 7A:14	(12 required)
Unit 7B: 18	(15 required)
Unit 8: 34	(24 required)

The parking spaces for units 7A and 7Bs are in accordance with the Suffolk Parking Standards, units 4, 5 and 8 are significantly above the minimum required for B8 but this will give additional flexibility should the units be used for an alternative approved use.

3.0 The Principle Of Development

- 3.1. The site has a long standing employment use and the principle of development was determined with the granting of the outline planning consent under planning application no. DC/17/05687. Following the grant of outline planning permission, the key question for Members has now moved to whether the detailed form of the development proposed is acceptable in respect of access; scale; layout; appearance; and landscaping. Through the grant of planning permission, it is implicit that there must be an acceptable form of reserved matters arising out of that permission and for each development area that has been approved. As noted, the scope/parameters of such an acceptable presentation were set by the outline planning permission to which these reserved matters accord.
- 3.2. This is important because the extent and nature of the planning permission that has been granted has set an “envelope” of assessments and judgements about the development to be carried through to the reserved matters and the implementation of the scheme. This reflects good planning practice and it is commonplace for outline planning proposals/permissions to set very clear parameters for the development to be brought forward under that permission. This gives confidence in the

robustness of assessments already made and a degree of certainty in respect of what is to be brought forward.

- 3.3 There are a number of such parameters affecting the Eastern Gateway, including: scale (28-metre site-wide building height restriction); spatial arrangement (i.e. areas specified for built development); and approved uses. Relevant to the outline planning permission, the Eastern Gateway is restricted to providing no more than 90,000sqm Gross Internal Area⁸ (“GIA”) of B2, B8 and E (g) ii & iii floorspace, of which no more than 13,950sqm GIA can comprise B1(a) floorspace.
- 3.4 The proposed development sits within approved developable areas for built development. The maximum height of the facility would be 15 metres. The proposed development would take up approximately 14,886 sqm GIA of B8/B2/ E(g) ii and iii floorspace which, along with the Amazon and LHD sites would still be significantly below the 90,000sqm GIA permitted under planning application DC/17/05687.
- 3.5 Having regard to those parameters, the proposed development fully accords with the outline planning permission for the Eastern Gateway and is acceptable in principle. In light of the above, and acknowledging the background and policy context which underpin the application, the report will now move on to assess the reserved matters for the proposed development.

4.0 Nearby Services and Connections Assessment Of Proposal

- 4.1. This matter was dealt with at Outline.

5.0 Site Access, Parking And Highway Safety Considerations

- 5.1. Site access / egress to land parcels 12, 13 and 15 has been established by the grant of Outline Planning Permission DC/17/05687 and Reserved Matters applications DC/19/04840 and DC/22/00828.
- 5.2 The current parking numbers are based on the use of the units for B8 storage and distribution, as this is considered the most likely use of the units, albeit that units 4, 5 and 8 provide significantly above the minimum required. It is proposed to include a condition on any approval, that prior to any occupation of the building hereby approved for any use within Use Class B2 or E(g), a revised car parking and service yard scheme that shall have been first submitted to and approved in writing by the planning authority. The submissions of the revised scheme shall include details of the proposed occupier and the associated parking, servicing, and manoeuvring requirements. As a non-B8 use is likely to require smaller areas for lorry loading and servicing yards, this area could be used for additional car parking
- 5.3 Suffolk Guidance for Parking (2019) states that B1, B2 and B8 uses should provide 20% of spaces with EV chargers (7.4kw) and 20% more should be fitted with infrastructure for future connectivity. The developer is concerned that 20% EV chargers is excessive for B8 uses and that EV chargers installed at construction stage will become obsolete before they are required, especially as the units may be built speculatively. They are proposing 5% EV chargers at construction stage with the infrastructure included for an additional 35% EV chargers.
- 5.4 Providing infrastructure rather than including the EV chargers has the disadvantage that the chargers may never be provided (as they may involve an outlay to the business), or that employees of the units are discouraged from buying electric vehicles as there are limited EV chargers. As a

compromise it is proposed to include a condition that, on first use of the individual units, a strategy for providing additional EV chargers is included. This would have an expectation that, for the first 3 years, an additional 5% of parking spaces are provided with EV chargers until 20% is reached, unless evidence is provided (for example staff surveys) to show that an alternative number of EV chargers are required.

6.0 Design And Layout [Impact On Street Scene]

- 6.1 The general layout of the units has been dictated by the estate roads; units 4 and 5 have been set back from Sproughton Road, allowing for the retention of the existing highway trees. Both these units have similar layouts with service yards to the side and parking to the front. Unit 7 is divided into two units, 7a adjacent to the road and 7b behind, with servicing and parking to the front. Unit 8 is set back from the road with servicing and parking to the front.
- 6.2 The layout is relatively dense, with only minimal space for landscaping; however, this is in character with the remaining industrial estate. Units 4 and 5 will be clearly visible from Sproughton Road, while there will be longer distance views of units 7 and 8 before the site to the front is developed. However, the development will be in character with surrounding development within the industrial estate and along Sproughton Road, which comprises industrial/ commercial premises and car showrooms.
- 6.3 The design of the buildings is functional, as rectangular box-type structures. The buildings will be similar in design and materials/colours to the LDH and to a lesser extent the Amazon building, although the scale will be much smaller. The design of the four units will be co-ordinated, giving a sense of cohesiveness. The design of the buildings is considered acceptable within the context of the wider site.

7.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 7.1 The current site has little landscape value and, while the development will provide minimal landscaping, all the units will have some landscaping to help break up the sites. Outside the site there are also highway verges which are proposed to have accompanying street trees. Each of the units will have a small outside seating area for staff. The Landscape Officer is broadly supportive of the proposed landscaping.
- 7.2 The development of Unit 4 will involve the removal of a number of trees from the centre of the site. The arboricultural officer has no objection to this.
- 7.3 An ecological survey was undertaken as part of the application, it indicated that the current derelict industrial site provides a habitat for invertebrates and potential nesting opportunities for Little Ringed Plovers. In addition, there is an existing bat roost within one of the trees to be removed. The development will include on-site ecology mitigation proposals comprising invertebrate gardens and log/rock piles, this is in addition to the site-wide ecological measures, including replacement brownfield type habitats along the southern and western boundaries. A licence from Natural England will be required in relation to the removal of the bat roost. Bat boxes are proposed on buildings and retained trees within the wider site.

8.0 Land Contamination, Flood Risk, Drainage and Waste

8.1 Land contamination was considered at outline stage and that permission included conditions to protect future employees within the site from land contamination. The site is within Flood Zone 1 and is at low risk of both river and surface water flooding. Within the Eastern Gateway there are site-wide suds features. The Flood and Water Officer has recommended approval of the development.

9.0 Impact On Residential Amenity

9.1 The key issue in relation to residential amenity is potential noise from the units, especially in conjunction with noise from the existing and additional proposed units. This is a particular concern of Sproughton Parish Council. It should be noted that the nearest residential properties are 300 metres from the proposed units, although sound will carry across the intervening countryside.

9.2 The developer has responded to concerns by providing additional acoustic fencing between units 7 and 8 which should protect the occupiers of Elton Park from detrimental noise from lorries manoeuvring. The Environmental Management Officer now considers that the impact from noise from the proposal will be acceptable. The Parish Council remains concerned particularly due to the cumulative impacts with additional units in the future; however, the cumulative impact of the new units and LHD and Amazon has been considered and any future units will need to be considered on their own merits.

10.0 Parish Council Comments

10.1 The majority of matters raised by Sproughton Parish Council have been considered in the report above. With regards to the concern in relation to the lighting on the Gipping corridor (and subsequent residential dwellings) it is proposed to include a condition to ensure that the proposed lighting is wildlife friendly.

PART FOUR – CONCLUSION

11.0 Planning Balance and Conclusion

11.1 The principle of development has previously been agreed with the approval of planning application DC/17/05687. The development will provide 5 additional B8/B2/E(g) units of different sizes within the Sproughton Enterprise Park/ Eastern Gateway, these will be smaller than the existing units (LDH and Amazon) and provide provision for a greater range of businesses. The development is fully supported by the Economic Development Team and will support a significant number of jobs. The site is in a sustainable location and is relatively accessible from both North East Ipswich and Sproughton.

12.2 The overall design of the units is acceptable and the design is in character with the other units on the wider site. Access, parking, flooding and noise impact have all been assessed and are considered acceptable. However, the number of EV chargers proposed is less than guidance recommends. The development accords with development plan policies (principally CS08) and will have a positive long term impact for both Babergh District and Ipswich Borough areas.

RECOMMENDATION

That the reserved matters planning application is GRANTED and includes the following conditions:

- Approved Plans (Plans submitted that form this application)
- Construction Plan to be agreed including construction hours, contractors parking, delivery routes and measures to decrease the impact of the development on local air quality.
- Details location of plant and validation of the acoustic assessment using the actual plant installed prior to first operation
- details of location and design of acoustic barriers
- Implementation of noise management and mitigation
- Implementation of ecological mitigation
- Wildlife friendly lighting plan
- Revisions to parking proposals for any non B8 user
- Height limit for outside storage
- EV charger strategy
- As further required by SCC (LHA)
- Local employment and training opportunities plan
- Development in accordance with the arboricultural report

Planning History

REF: DC/17/04873

Screening Opinion-Proposed redevelopment of the site to provide an Enterprise Park comprising up to 90,000sqm GIA of employment floorspace (B1/B2/B8), 9,000sqm GIA of motor vehicle sales (sui generis), a local centre (accommodating with up to 1,250 sqm NIA of retail floorspace including local retail and services (A1 and A2) restaurants, pubs and takeaways (A3, A4, A5), an 80-bed hotel (C1); new and improved access from Sproughton Road, new landscaping, infrastructure, utilities, engineering works and demolition.

DECISION: EAN
17.10.2017

REF: DC/17/06058

Planning Application - Construction of infrastructure to serve the first phase of development at Sproughton Enterprise Park including highways, parking, cycle and pedestrian routes, utilities and sustainable drainage systems, provision of landscaping and removal/management of existing landscaping and engineering works (including demolition of existing structures and buildings, breaking-up and recycling of hardstanding and ground remodelling and enabling works).

DECISION: GTD
20.04.2018

REF: DC/19/03371

Submission of details under Outline Planning Permission DC/17/05687 - Access, Appearance, Landscaping, Layout and Scale for a warehouse (Class B8) with ancillary office accommodation (Class B1), associated car parking, van storage, cycle parking, pedestrian access arrangements, landscaping and infrastructure.

DECISION: GTD
07.11.2019

REF: DC/19/04840

Application for approval of reserved matters relating to DC/17/05687 - Access, Appearance, Landscaping, Layout and Scale for 214m of new road, attenuation basin number 2 and associated landscaping and utilities (drainage, gas, water, electricity and communications) for Development Areas 11 and 19 and part 4.

DECISION: GTD
07.11.2019

REF: DC/22/00828

Application for approval of Reserved Matters following Outline Planning Permission DC/17/05687 dated: 03/12/2018 - Access,

DECISION: PCO

Appearance, Landscaping, Layout and Scale for construction of a further phase of infrastructure (Phase 2B) including 510m of new roads, footway/cycleway, associated landscaping, access bell mouths and utilities (including gas, water, electricity, communications, drainage, sewerage and construction of new pumping station) for Development Areas 7, Part 6b, 9, 11, 12, 13, 15 and 17, 18 and Part 19.

REF: DC/17/04873

Screening Opinion-Proposed redevelopment of the site to provide an Enterprise Park comprising up to 90,000sqm GIA of employment floorspace (B1/B2/B8), 9,000sqm GIA of motor vehicle sales (sui generis), a local centre (accommodating with up to 1,250 sqm NIA of retail floorspace including local retail and services (A1 and A2) restaurants, pubs and takeaways (A3, A4, A5), an 80-bed hotel (C1); new and improved access from Sproughton Road, new landscaping, infrastructure, utilities, engineering works and demolition.

DECISION: EAN
17.10.2017

REF: DC/17/04936

Screening Opinion - Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Proposed redevelopment of the site to provide an Enterprise park 90,000sqm GIA of employment floorspace(B1/B2/B8, 9,000sqm GIA of Motor Vehicle Sales (sui generis), a local centre (accommodating with up to 1,250sqm NIA of retail floorspace including local retail and services (A1 and A2) Restauarants, pubs and takeaways (A3,A4 A5) together with an 80 bed hotel (C1); new and improved access from Sproughton Road; together with the provision of landscaping, infrastructure (inc. movement (highways, parkingcycle and pedestrian routes), utilities(gas, electricity, water, sewage and telecommunications) and sustainable drainage systems), engineering works inc demolition of existing structures and buildings, breaking-up and recycling of hardstanding and group remodelling and enabling works).

DECISION: EAN
17.10.2017

REF: DC/17/06058

Planning Application - Construction of infrastructure to serve the first phase of

DECISION: GTD
20.04.2018

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REF: DC/20/01275	Non-Material Amendment to DC/19/03371 - Lowering of finished floor level, relocation of bollards in relation to canopies over van loading areas, relocation of some louvres, provision of additional louvres, removal of roof hatches, provision of extract flues at roof level, glazed panels added to door at left hand end of south elevation, change of colour to window surrounds on north elevation and reduction in number of PV panels	DECISION: GTD 03.04.2020
REF: DC/20/03691	Application for consent to display an advertisement(s) - Installation of 54no. Non-illuminated directional signs	DECISION: GTD 06.10.2020
REF: DC/21/06666	Non-Material Amendment sought following Outline Planning Permission DC/17/05687 - Amendments to Development Areas Plan and Parameters Plan to allow removal of an	DECISION: GTD 13.01.2022

ancillary road on the south eastern corner of the site between Development Areas 20 and 22

REF: DC/22/00610	Application for a Non-Material Admendment relating to DC/17/05687 - Amendment to plan no 619185-MLM-ZZ-XX-DR-C-0650 P02 allowing: 1. The removal of an ancillary road between Development Areas 20 and 22 2. The moving south of the northern boundary of Development Areas 12 and 13 to avoid a conflict with buried services.	DECISION: PCO
REF: DC/22/00682	Application for Approval of Reserved Matters following Outline Approval DC/17/05687 - Submission of details for Appearance, Landscaping, Layout and Scale for an Industrial development with ancillary office space (B2/B8 & E(g)ii)/E(giii)), including related servicing arrangements, car parking, landscaping, and associated works.	DECISION: PCO
REF: DC/22/00828	Application for approval of Reserved Matters following Outline Planning Permission DC/17/05687 dated: 03/12/2018 - Access, Appearance, Landscaping, Layout and Scale for construction of a further phase of infrastructure (Phase 2B) including 510m of new roads, footway/cycleway, associated landscaping, access bell mouths and utilities (including gas, water, electricity, communications, drainage, sewerage and construction of new pumping station) for Development Areas 7, Part 6b, 9, 11, 12, 13, 15 and 17, 18 and Part 19.	DECISION: PCO
REF: DC/17/03406	Planning Application - Erection of 30m high tower fitted with peregrine falcon nesting box.	DECISION: GTD 21.08.2017
REF: DC/17/04873	Screening Opinion-Proposed redevelopment of the site to provide an Enterprise Park comprising up to 90,000sqm GIA of employment floorspace (B1/B2/B8), 9,000sqm GIA of motor vehicle sales (sui generis), a local centre (accommodating with up to 1,250 sqm NIA of retail floorspace including local retail and services (A1 and A2) restaurants, pubs and takeaways (A3, A4, A5), an 80-bed hotel (C1); new and improved access from Sroughton Road, new	DECISION: EAN 17.10.2017

landscaping, infrastructure, utilities, engineering works and demolition.

REF: DC/17/04936

Screening Opinion - Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Proposed redevelopment of the site to provide an Enterprise park 90,000sqm GIA of employment floorspace(B1/B2/B8, 9,000sqm GIA of Motor Vehicle Sales (sui generis), a local centre (accommodating with up to 1,250sqm NIA of retail floorspace including local retail and services (A1 and A2) Restaurants, pubs and takeaways (A3,A4 A5) together with an 80 bed hotel (C1); new and improved access from Sproughton Road; together with the provision of landscaping, infrastructure (inc. movement (highways, parkingcycle and pedestrian routes), utilities(gas, electricity, water, sewage and telecommunications) and sustainable drainage systems), engineering works inc demolition of existing structures and buildings, breaking-up and recycling of hardstanding and group remodelling and enabling works).

DECISION: EAN
17.10.2017

REF: DC/17/05687

Outline Planning Application - Development of an Enterprise Park comprising up to 90,000sqm GIA of employment floorspace (B1/B2/B8), 9,000sqm GIA of motor vehicle sales (sui generis), a local centre (accommodating with up to 1,250 sqm NIA of retail floorspace including local retail and services (A1 and A2) restaurants, pubs and takeaways (A3, A4, A5) together with an 80-bed hotel (C1); new and improved access from Sproughton Road; together with the provision of landscaping, infrastructure (including movement (highways, parking, cycle and pedestrian routes), utilities (including gas, electricity, water, sewerage, telecommunications) and sustainable drainage systems), and engineering works (including demolition of existing structures and buildings, breaking-up and recycling of hardstanding and ground remodelling and enabling works).

DECISION: GTD
03.12.2018

REF: DC/19/03371

Submission of details under Outline Planning Permission DC/17/05687 - Access,

DECISION: GTD
07.11.2019

Appearance, Landscaping, Layout and Scale for a warehouse (Class B8) with ancillary office accommodation (Class B1), associated car parking, van storage, cycle parking, pedestrian access arrangements, landscaping and infrastructure.

- REF:** DC/19/04840 Application for approval of reserved matters relating to DC/17/05687 - Access, Appearance, Landscaping, Layout and Scale for 214m of new road, attenuation basin number 2 and associated landscaping and utilities (drainage,gas, water,electricity and communications) for Development Areas 11 and 19 and part 4. **DECISION:** GTD
07.11.2019
- REF:** DC/20/01275 Non-Material Amendment to DC/19/03371 - Lowering of finished floor level, relocation of bollards in relation to canopies over van loading areas, relocation of some louvres, provision of additional louvres, removal of roof hatches, provision of extract flues at roof level, glazed panels added to door at left hand end of south elevation, change of colour to window surrounds on north elevation and reduction in number of PV panels **DECISION:** GTD
03.04.2020
- REF:** DC/20/03691 Application for consent to display an advertisement(s) - Installation of 54no. Non-illuminated directional signs **DECISION:** GTD
06.10.2020
- REF:** DC/21/06666 Non-Material Amendment sought following Outline Planning Permission DC/17/05687 - Amendments to Development Areas Plan and Parameters Plan to allow removal of an ancillary road on the south eastern corner of the site between Development Areas 20 and 22 **DECISION:** GTD
13.01.2022
- REF:** DC/22/00610 Application for a Non-Material Admendment relating to DC/17/05687 - Amendment to plan no 619185-MLM-ZZ-XX-DR-C-0650 P02 allowing: 1. The removal of an ancillary road between Development Areas 20 and 22 2. The moving south of the northern boundary of Development Areas 12 and 13 to avoid a conflict with buried services. **DECISION:** PCO

REF: DC/22/00682	Application for Approval of Reserved Matters following Outline Approval DC/17/05687 - Submission of details for Appearance, Landscaping, Layout and Scale for an Industrial development with ancillary office space (B2/B8 & E(g)ii/E(giii)), including related servicing arrangements, car parking, landscaping, and associated works.	DECISION: PCO
REF: DC/22/00828	Application for approval of Reserved Matters following Outline Planning Permission DC/17/05687 dated: 03/12/2018 - Access, Appearance, Landscaping, Layout and Scale for construction of a further phase of infrastructure (Phase 2B) including 510m of new roads, footway/cycleway, associated landscaping, access bell mouths and utilities (including gas, water, electricity, communications, drainage, sewerage and construction of new pumping station) for Development Areas 7, Part 6b, 9, 11, 12, 13, 15 and 17, 18 and Part 19.	DECISION: PCO
REF: DC/17/04873	Screening Opinion-Proposed redevelopment of the site to provide an Enterprise Park comprising up to 90,000sqm GIA of employment floorspace (B1/B2/B8), 9,000sqm GIA of motor vehicle sales (sui generis), a local centre (accommodating with up to 1,250 sqm NIA of retail floorspace including local retail and services (A1 and A2) restaurants, pubs and takeaways (A3, A4, A5), an 80-bed hotel (C1); new and improved access from Sproughton Road, new landscaping, infrastructure, utilities, engineering works and demolition.	DECISION: EAN 17.10.2017
REF: DC/17/04936	Screening Opinion - Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Proposed redevelopment of the site to provide an Enterprise park 90,000sqm GIA of employment floorspace(B1/B2/B8, 9,000sqm GIA of Motor Vehicle Sales (sui generis), a local centre (accommodating with up to 1,250sqm NIA of retail floorspace including local retail and services (A1 and A2) Restauarants, pubs and takeaways (A3,A4 A5) together with an 80 bed hotel (C1); new and improved access from Sproughton Road; together with the provision of landscaping,	DECISION: EAN 17.10.2017

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- REF:** DC/17/06058 Planning Application - Construction of infrastructure to serve the first phase of development at Sproughton Enterprise Park including highways, parking, cycle and pedestrian routes, utilities and sustainable drainage systems, provision of landscaping and removal/management of existing landscaping and engineering works (including demolition of existing structures and buildings, breaking-up and recycling of hardstanding and ground remodelling and enabling works). **DECISION:** GTD 20.04.2018
- REF:** DC/18/03532 Application under Section 73 of the Town and Country Planning Act- B/16/00762/FUL; Variation of Condition 1 (Expiry of Permission) **DECISION:** GTD 31.08.2018
- REF:** DC/19/04258 Discharge of Conditions Application for DC/17/05687 - Condition 8 (Management and Maintenance) (Part Discharge in relation to Development Areas 11 and 19 only) **DECISION:** GTD 02.10.2019
- REF:** DC/19/04840 Application for approval of reserved matters relating to DC/17/05687 - Access, Appearance, Landscaping, Layout and Scale for 214m of new road, attenuation basin number 2 and associated landscaping and utilities (drainage, gas, water, electricity and communications) for Development Areas 11 and 19 and part 4. **DECISION:** GTD 07.11.2019
- REF:** DC/21/06666 Non-Material Amendment sought following Outline Planning Permission DC/17/05687 - Amendments to Development Areas Plan and Parameters Plan to allow removal of an ancillary road on the south eastern corner of the site between Development Areas 20 and 22 **DECISION:** GTD 13.01.2022

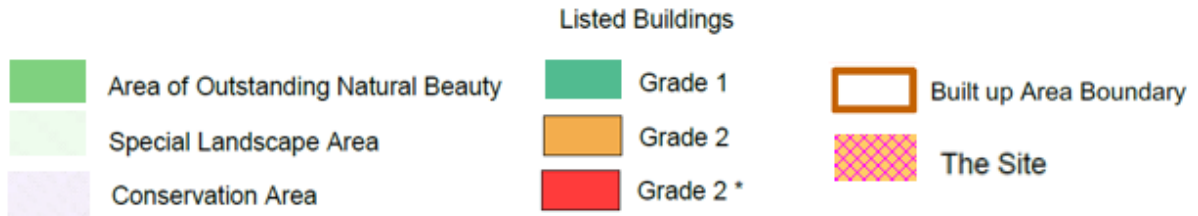
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REF: DC/22/00828	Application for approval of Reserved Matters following Outline Planning Permission DC/17/05687 dated: 03/12/2018 - Access, Appearance, Landscaping, Layout and Scale for construction of a further phase of infrastructure (Phase 2B) including 510m of new roads, footway/cycleway, associated landscaping, access bell mouths and utilities (including gas, water, electricity, communications, drainage, sewerage and construction of new pumping station) for Development Areas 7, Part 6b, 9, 11, 12, 13, 15 and 17, 18 and Part 19.	DECISION: PCO

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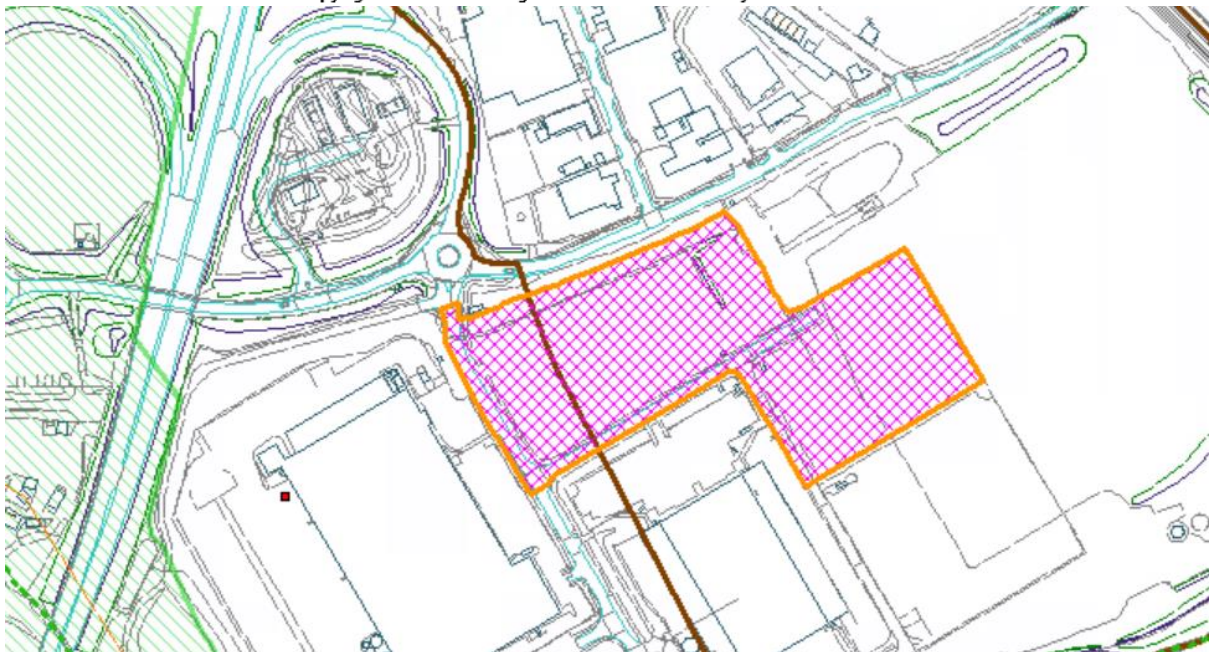
Application No: DC/22/00682

Parish: Sproughton

Location: Former British Sugar Factory



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